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No man who hath tasted learning but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set forth new positions to the world: and, were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.

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THE CALCUTTA REVIEW.

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ART. I.—EARLY HISTORY OF INDIA.*

A COMPARISON of the grammatical structure of the Sanskrit, especially in its oldest form which we find in the Vedas, with the Celtic, Greek, Latin, Germanic, Lettish-Slavonic, and Persian languages, shows us that all these languages have a common basis, or in other words that they are all derived from one original speech, and a comparison of sounds and forms shows that of these languages the Sanskrit has preserved most faithfully the peculiarities of that ancient language, and most nearly resembles it. It follows as a matter of course, that at the time when the language, which is supposed to be the original of the Indo-Germanic dialects, was spoken, the ancestors of the present Indo-Germanic races formed one united people, and, that the greater or less degrees of resemblance to the Sanskrit found in any one language may be taken as a test of the later or earlier migration of the people who spoke it, from the cradle of the Indo-Germanic races. The want of all historical records of that period, when the Indo-Germanic people was sending off successive streams of colonists, is amply compensated by the evidence afforded by the structure of the different languages, the testimony of which is supplemented by the geographical position of the different nations in historical times. Though grammatical inflections are only the skeleton of language, and can give us no information about the social customs of the ancient Aryan people, the vocabulary that is preserved to us, may be likened to the flesh and muscles which give life and symmetry to the whole figure. We may be quite certain that those words which are radically the same in the different dialects, indicate things which were part of the material or intellectual possessions of the original race, whereas the fact that certain words are only found in one or two of the languages shows that the things which they denote were never present to the bodily or intellectual eye

* This article is a free translation of a lecture delivered by Professor A. Weber in Berlin, in March 1854.

of the people before its separation. Inasmuch as the Sanskrit preserves the radicals from which many derivations are found in the other languages, we may assign to many words which before were only known to us in their metaphorical signification, their original and literal meaning, and so we are able to take a view of the social customs and modes of thought of our forefathers, and to see how they chose for every idea the most obvious and forcible mode of expression. An acquaintance, too, with the old religious hymns of the Vedas enables us to form some conjecture as to the religious life of the old Aryan community, and so we are led to regard many of the Grecian, Persian and Teutonic mythological conceptions as dating back from the dimmest antiquity. It must be observed, however, by way of caution, that in the comparative mythology of the Indo-Germanic races, little certainty has been attained: the science is as yet the domain of conjecture. Let us now endeavour to form some idea of the material surroundings and associations and of the social customs of that primeval time.

The fact that most of the words which denote relationship are radically the same in all the languages, shows the importance attached to the family bond by the ancient Aryan people. The etymology of these words which is made clear to us by the Sanskrit shows us that father means the protector, mother the arranger, brother the carrier or helper, sister the care-taker, daughter the milker, ideas which carry us back to a most simple patriarchal form of society. It is evident that the people was a pastoral one, from the fact that all languages possess in common the names for the cow (the slow mover) the ox (that which makes fruitful) the steer, the goat, the sheep, the sow, the horse, &c. The dog (the swift) protected the herds; the wolf (the tearer) and the bear (the glittering one, from its skin) were their dread. The mouse (the thief) stole provisions, the house-fly buzzed about, the gnat stung, the serpent crawled, geese, ducks, doves, wood-peckers, cuckoos, finches quacked or sang, the cock crowed. The light hare bounded by, the boar ploughed up the earth. The dwelling house was strong and provided with doors. Wagons and boats were employed for communication by land and water. The land was cultivated by means of the plough, barley; and wheat supplied meal and bread. Clothes, household utensils, and arms abounded. Sword, spear, knife and axe were of bronze. Gladdening mead inspired to joyful dance; large shells and reeds were the musical instruments. Battle was a delight, the tribe-feeling was so strong that the word barbarian (stammerer) as a term for strangers—people speaking a different tongue—belongs to that primeval period. The conquered enemy became a slave. At the head of the many stood a marshaller, a protector, a lord—the leader in battle, the judge in peace. The country in which

our ancestors lived, abounded in mountains and lakes ; woods gave refreshing shade, the principal ornament of which was the oak. The winter appears to have been severe. We also find in all the languages the name for spring, the clother of the fields with verdure. The sun was revered as the generative power, the rosy blush of morning was admired by all, the moon was the measurer of time. The stars were looked upon as bowmen emitting rays like arrows, or, according to another etymology, as a scattered herd pasturing in the sky ; among them was conspicuous the Great Bear, known to the Greeks by the name of *arktos* the glitterer (*par excellence*). Thunder, lightning, rain, mists and hail, filled the desponding mind with terror. The heaven that bends over all, the Grecian name of which *ouranos* is identical with the word *varuna* found in the Vedas, was considered as the father of all creatures, the earth as the mother. The dark cloud-god who carried off into his gloomy caverns the golden herds of the sun's rays and the fertilizing waters of heaven, was struck down by the shafts of the god of thunder, his prison broken, and the cattle he had stolen set free. The ally of the thunder in this conflict was the wind, conceived of in the form of a dog which drove the clouds before him. In the same form he had another mission, as a faithful companion to conduct the souls of the dead which were conceived as airy shadows, by sure paths to their appointed dwelling-place : for the conception of a life after death, of a world of bliss separated by a broad stream, belongs to that ancient period. The powerful and unintelligible forces of nature aroused in the mind of man the feeling of his own weakness, and he bowed before them in reverential awe, offered sacrifices and hymns to them, and represented them as benevolent or terrible existences, investing them with material attributes derived from the associations of his own daily life. To this period belong also the conceptions of a *Manu*, a primeval man and ancestor, and of a great flood which destroyed and swallowed up all things and from which he alone was saved. Both ideas are also found among the Semitic races, and are with other proofs, principally etymological, the ground for considering that at a very early period the Semites were united with the Indo-European races, though they must have separated before their common language attained any marked character.

We have scarcely any evidence to enable us to determine the region in which our ancestors must have lived together. It is a historical maxim that this country is to be looked for in Asia, but the want of any distinctively Asiatic animals in the previous picture may seem to make against that notion ; it can, however, be explained by the non-existence of these animals in Europe, for which reason their names were either forgotten or transferred to other

animals which resembled them in some particulars. The climate of that region seems at any rate to have been rather severe than warm, perhaps it may be described as a temperate climate very similar to the European ; which brings us back to the elevated plateau of Central Asia, the traditional cradle of the human race, the country on the banks of the Oxus. The Celts were evidently the first to leave the common dwelling-place, as their speech is distinguished by a marked grammatical imperfection, and is very different from any other of the Indo-European dialects. They were followed by the so-called Pelasgians, who then separated into Greeks and Latins ; then started the Teutono-Slavonic race, who separated into Germans and Prusso-Letto-Slaves. Longest in their old seats remained the Persians and Indians, or, as they call themselves, the Aryans.

The study of Sanskrit has thrown light upon the ancient Persian literature. By means of Sanskrit we are able to read the inscriptions of the Persian kings, and even to form some idea of the period when the Persians and Indians were living together. The upshot of our investigations is, that, at that time ethical conceptions began to be mixed up with the older gods, which were mere symbolizations of natural phenomena ; that, for instance, the god of heaven, Varuna, was turned into a judge of the dead, who was supposed to be acquainted with all things by means of his heavenly messengers. The separation of the Indians and Persians seems to have been caused by a religious difference, as the Persians revered exclusively those gods who were representations of ethical conceptions, while the Indians retained their old nature-gods ; indeed nature worship among the Indians seems to have altogether eclipsed the other cult. On the other hand among the Persians whose religion, as they themselves say, and as is most probable, was systematized by some highly-gifted person who goes by the name of Zoroaster, the old gods who were symbols of nature were reduced to the position of evil spirits, in the same way as after the introduction of Christianity, the heathen gods were held to be devils and witches, &c. Some of those gods, however, whose deeds were too famous and whose personality was too well defined to be sublimated in this way, were considered as heroes or sages of ancient time, and were placed at the head of genealogies after the Grecian fashion. These are the old kings of the later Persian epos as we find it in the hands of Firdusi, although in his poem we meet with undoubted historical matter.

We come now to India itself, the early speech of which country most nearly resembles the old Indo-European tongue. We may also fairly say that their social customs, as described in the Vedas, give the best picture attainable of those of the ancestors

of the Indo-Germanic races ; new features may, no doubt, have been added, but little that is essential can have disappeared.

In the oldest hymns of the Vedas we find the Aryan people already in the north-west corner of India, or at any rate on the borders of it, probably between the Cabul river and the Indus. We can trace their onward advance from this point step by step with the help of their literature. They evidently went from the S'atadru, the modern Sutlej, to the Sarasvati, a river which loses itself in the sands. It is probable from the great sacredness attaching to this river in later times, that they must have long continued stationary on its borders. During this period, the river Sarasvati appears to have been the boundary between the adherents of the Brahmanical system, gradually growing up in Hindustán, and the Aryan races of the West of India, which still retained the more free and simple mode of life of their forefathers. Then the stream of immigrants poured along the banks of the Ganges and Yamuna, and at the time of Alexander the Great, or one may even say two or three hundred years earlier, at the epoch of the great reformer Buddha, we find the whole country, as far as Bengal, completely in the possession of the Aryans, and with the Brahmanical constitution fully developed. Indeed, the Greeks do not seem to have found among the Indians any tradition of their immigration. It is to be remembered that India before the arrival of the Aryans was inhabited by rude, uncivilized, but powerful races, which have preserved their independence to this day in certain mountainous regions of the peninsula. We may be quite certain that they did not give up their land to the invaders without a struggle, especially as they appear to have been treated by the Aryans in the most oppressive manner. We find many evidences of their desperate resistance, and can, accordingly hazard a conjecture as to how long a period of time was occupied in their subjugation. From the eastern to the western extremity of India, the conquerors would have had to traverse an extent of 300 geographical miles. So we may allow about 1,000 years for the civilizing and Brahmanizing of this enormous tract of country, and we are led to assign the year 1,500 before Christ as about the time when the Indian Aryans were established upon the Cabul river, and preparing for their invasion of India. The same results have been attained by a course of investigation based upon astronomy, but the proofs are not altogether satisfactory, because they depend upon a division of the heavens which was probably borrowed from the Babylonians, a Semitic nation. (It appears that there was a traffic carried on between the Persian Gulf and India in the earliest times. The Ophir of the Bible is probably to be placed in India (probably the Abhira of Indian geographers), as the articles of merchandize brought from Ophir

by Solomon's navy were ivory, gold, apes, and peacocks, sandalwood, silver, and precious stones, which are all Indian products). Moreover, when we consider the vast changes in domestic and social customs and religious ideas which had taken place between the time when the Vedas were written and the invasion of Alexander, we are forced to believe that such a total change could not have been operated in a less period than 1,000 years.

The life of the Aryan colonists as depicted in the Vedas, was very simple and patriarchal. Agriculture, the care of cattle and fighting were their employments, corn and herds their wealth. The land was fruitful enough to render a nomad life unnecessary. Families dwelt alone, or scattered in small communities over the country. We find frequent feuds taking place between the tribes. Each father of a family is a priest in his own house, lights himself the holy fire, thanks the gods for their help, asks for a continuance of their favour, and begs them to divert the terrible elemental agencies from him, and to direct them against his enemies; he also begs for immortality as a reward for his good deeds. Women occupy a very high position; we find both poetesses and queens among them. Marriage is sacred and monogamic; both the man and his wife are called rulers of the household, and approach the gods in common prayers. The horse has been domesticated and made serviceable to man, and the use of boats is quite understood, as we should expect in a country like India, containing such enormous rivers; even voyages on the open sea seem to be mentioned. Merchants are mentioned, though seldom. Golden vessels, beautiful garments and strong arms are praised in these poems. Dice, dancing and music are their amusements. Besides mead, they had also the stimulating juice of the *Asclepias acida*, which is represented as too good for men and offered to the gods to enable them to resist the evil elemental powers. In fact the hymns of the Vedas were sung when soma-juice, or other sacrifices consisting of butter, milk, rice, or even of animals, especially goats, were offered to the gods. They were, probably, reduced to the form in which we at present possess them about the time of the flourishing of the kingdoms of Kosala and Videha, in the seventh or eighth century before Christ, though, of course, composed long before. It is probable, from the almost indubitable evidence that the Indians borrowed their alphabet from the Semitic nations, as also from expressions in the Brahmanas or commentaries, that they were for a long time preserved by oral tradition. They appear to have been handed down in certain families, who preserved the traditions about the origin and the explanation of difficult words and phrases. Sacrifices, always important among the Aryans, assumed a still higher importance when they became settled in India. It seemed to be their great distinction

from the aboriginal tribes. Hence the accounts of the Rákshasas who disturbed the sacrifices. When, however, sacrifices began to be offered in the morning and evening, at every change of the moon, and on many other occasions, it was found that they could be no longer carried on by the head of the family, and so families of priests arose who alone possessed the requisite knowledge of customs and liturgical ceremonies, which they took care to keep secret. They eventually assumed a position as much superior to that of the mass of Aryans as theirs was to that of the aborigines. Hence arose the Brahmanical priesthood whose name is derived from *brahman* prayer, the origin also of the name Bráhmanas or liturgical commentaries.

We find many traces of resistance offered to the Brahmins by the Aryans. Stories of impious kings are preserved who rebelled against these gods on earth, as they are called. But the Brahmins on the principle of *divide et impera* had secured themselves allies by erecting certain kingly families into a position far superior to that of the other Aryans. At last they established the caste-system, and so succeeded in founding a hierarchy the equal of which the world has never seen, and which in the sixth or fifth century before Christ was so firmly established, that all the efforts of Buddhism ended only in its own eventual defeat and banishment from India. In the meanwhile a continual development of religious ideas was taking place. We have before remarked that the schism between the Indians and Persians was probably occasioned by the former preferring the gods, which were symbolical of the agencies of nature, to those which denoted moral ideas. Accordingly in the later Vedic hymns we find that the personifications of the agencies of nature have gradually supplanted the other divinities. The consequences of their religious system were, that the mind became wearied with the continually increasing multiplicity of divine beings, and efforts were made to attain unity by arranging them in order. The principal arrangement was grounded upon their elemental associations; so we find the gods of the heaven, the gods of the air, and the earth, and their representatives or presidents, the sun, wind and fire. Speculation thus encouraged continued her task, and in her efforts to attain to unity conceived of a cosmological cause of all things, which in its last development appears as an undefined, absolute, illimitable, impersonal being, *brahman*. The infinity of the spirit of the world that moved through all things, is described, in comparison with the littleness of human individuality, as so overpowering in its sublimity, that the highest object of speculation was represented as the attainment of the knowledge of the unity of this being, with the individual souls of men, which are related to it as drops of water to the ocean. In order to attain to this elevated consciousness, all ties

of personality of sense, of individuality must be sundered—he alone who is utterly indifferent to the world, its pleasures and its pains, is capable of this spiritual exaltation. In this consists the charm of Indian asceticism which moved so deeply the minds of the Greeks, who had a far keener enjoyment of life and sense of individual liberty than the Indians. It is evident that these contemplations could only have been carried on by those who retired as hermits into the lonely woods, in order there to pursue their meditations undisturbed. The other less energetic spirits among the thinking part of the people contented themselves with the belief in a Lord of the world and of creatures, of whose origin they could give no account, and with the old hope of immortal life in the world of the blessed, which began to be very much interfered with by the new doctrine of the transmigration of souls. The vulgar many held fast to their belief, in a multiplicity of gods, whose influence on human affairs was most direct and immediate, although great changes took place in the individual conceptions of their divinities. The resistance of the aborigines, and the insecurity of life seems to have summoned into existence a number of terrible gods, who may have been borrowed by the Aryans from the aborigines, from whose languages they, no doubt, borrowed many words. It is probable that aborigines were even admitted into the third, in some cases into the second caste, and so became members of the Brahmanical polity. Mythology attributed the old stories of the exploits of the gods to human heroes of ancient time, and in some cases the opposite process took place; distinguished mortals were feigned to be sons of gods, and obtained a place in the Hindu pantheon. This degeneration of the religious ideas of the Aryans was accompanied by a corresponding deterioration in the morals of the people, which is to be attributed to the enervating effect of a warm climate, and to the seductive natural products of Hindustan, which in a short time corrupted the pristine simplicity of the first settlers.

In this era of oppression by the Brahmanical hierarchy on the one hand, and of sensual enjoyment on the other, appeared a man who assumed the name of Buddha, or the awakened, and who commenced a reform of both of these evils, which was of the most striking character. He was a king's son in the east of India, who, brought up in the greatest comfort, but convinced by meditation of the instability of all earthly things, deserted his family to live as a beggar and to devote himself to meditation and afterwards to the conversion of mankind. His four maxims were:—Instability and therefore separation and sorrow are the necessary conditions of human existence; every new birth is produced by passion in a previous state of existence; the suppression of passion is the only means of avoiding new birth and the pain attendant on it; accord-

ingly all hindrances to this suppression must be got rid of. These maxims depended on the doctrine of the transmigration of souls which had existed in India before his time, and they formed the main kernel of his doctrine. Although in all this there was nothing new in itself, for it was identical with the teaching of the Brahmanical hierarchy, still the way in which Buddha preached his doctrine was altogether new and unusual. While the Brahmins lived in their hermitages and only received pupils from their own caste, he wandered round with his pupils from town to town, preached his doctrines to the whole people and received men of all castes without paying attention to their birth or rank, assigning a place to them in his community with reference only to their ages and intelligence, holding out to all, even the lowest, the prospect of freeing themselves from the yoke of a second birth by receiving his instructions.

The general tolerance, and allowance for one another's weaknesses, which he represented as the duty of all the dwellers in this vale of tears, and the practical universalism of his teaching which was its natural result, has remained through all ages its distinctive characteristic, while its speculative side, the doctrine that the object of all human endeavour, or the highest good, is the annihilation of personal existence, has suffered many modifications. It was the first time in the history of the world, as far as we know, that a man was bold enough to break through all bonds of tribe and race, and to claim for all men the same lot, though that lot was one of universal suffering. The results of this appeal to the Indian people, and particularly to the suffering classes of it, were wonderful, and if the moral precepts of Buddhism had not been so strict, and its own tolerant and peaceful character had not diminished its power of self-defence, it is doubtful if Brahmanism would have survived the shock. As it was, the Brahmins were clever enough to divert a sensual people from those rigid and sober precepts to the creations of their own luxuriant fancy—to cults which were continually rendered more and more enticing by licentiousness or terrifying by their appeals to the superstitious feelings, and, as the doctrines of Buddha on account of their universalistic tendency were in favour with the foreigners, who so long held the north-west corner of India, the Greeks and Indo-Scythians, they were enabled to represent their cause as that of Indian nationality, and after the repulse of those foreign rulers to drive the native Buddhists out of India by bloody persecutions. The influence, however, which Buddhism exerted on India was, especially in the times of its purity, a most beneficial one. We possess a remarkable historical proof of this, in the rock-inscriptions of the Buddhist King Piyadasi, which date from the third century before Christ, and which have been

found in the same words, allowing for a few dialectical differences, in the east, north, and south-west of India; and the drift of which is to impress on all his subjects peace, reciprocal esteem and toleration, kindness to one another, and respect for the laws—certainly, an unusual phenomenon in the history of the world, as almost all inscriptions of that kind, made by the orders of other kings, treat only of bloody wars, battles and conquests.

These edicts, which were first deciphered by the acute Prinsep, are in other respects of great importance for the history of India; first, because in them we can clearly trace the resemblance of the letters to the Semitic type (and from this time we can follow the development of the Indian alphabet through all its stages); secondly, because they are not composed in Sanscrit, but in the already corrupted popular dialect. For the language of the Aryan people after they settled in India, went through as complete a revolution as their political constitution and religion. The greater the progress which the study of grammar made among the cultivated Brahmans, the stricter the canons by which usage was regulated, the more unlike did the Sanskrit language become to the speech of the uneducated many. While the aborigines, who were admitted into the fourth caste, introduced into the language of the Aryans a number of their own words, the literary language became the sole possession of the Brahmans and their pupils. The divergences from the Sanscrit found in the language of these edicts are very important, so that our previous theory about the length of time that elapsed between the immigration of the Aryans and the appearance of Buddha is strongly confirmed.

Though we have as yet made use of purely Indian sources for our chronology, we must remember that we have now reached a period when we can make use of accounts of India written by foreigners. Scanty as they are, anything of the kind in the absence of original native Indian chronology, is invaluable. We possess a clear picture of the external and internal relations of the Indian nation in the Greek accounts, which are derived either from the officers of Alexander, or from the ambassadors sent by his successors to various Indian kings. The Brahmanic civilization had already penetrated to the extremity of the Deccan, and had taken hold upon Ceylon. India was very prosperous, although the land was heavily taxed. There were many great kingdoms, of which one situated in the east of India seemed to possess a supremacy over the others. The Greeks are full of the marvellous products of India; unfortunately they give us little information about the religious life of the people and the state of their literature. From the time of Alexander's expedition, India came into more direct relations with foreign countries. An important part of Western India remained for 250 years under the supremacy of

Greek kings, and when the Greek influence in that quarter was removed, it was continued by means of the maritime communication between India and Alexandria, which was in full activity until the sixth and seventh centuries after Christ. The influence of Hellenic civilization upon India turns out to have been much greater than was suspected at first. Although Indian architecture developed itself independently afterwards, it appears that its original character was defined by Grecian models. The same is the case with the numismatic art of India. Also the scientific part of Indian astronomy is based upon that of the Greeks, as many Greek astronomical terms have found their way into the Sanscrit. It is not impossible that the origin of the Indian drama may have been brought about by the representation of Greek dramas at the courts of the Bactrian Kings. Still more important were the effects of Christianity, which probably found its way to India from Alexandria. From Christianity were derived the ideas of one personal God and faith in him,—conceptions we do not find in India before this time, but which henceforth are the watch-words of many Indian sects. At this time the worship of Krishna, an ancient hero, became of great importance, and many stories told of him appear to have been borrowed from the legends about Christ and the Virgin Mary. On the other hand, Indian philosophy appears to have exerted a powerful influence upon the formation of the Gnostic sects then rising in Alexandria. The Manichæan system of religion adopted in Persia was, no doubt, derived from Buddhistic ideas, as the Buddhists, impelled by the fervour of their universalistic zeal, sent missionaries all over Asia. The fact that so many points of resemblance can be traced between the Christian worship and that of the Buddhists, is to be explained, no doubt, by supposing that the Christians borrowed many customs from them; we may instance the worship of relics, church steeples (which are imitations of the Buddhist topes), the whole monastic system, celibacy, the tonsure, confession, rosaries and church bells. By means of the flourishing trade which was carried on in the west, the western coast of India became now of great importance. Here were formed the mightiest kingdoms, whose rulers were patrons of literature, and whose splendid courts were a rendezvous for poets and learned men. This is the really golden age of Sanscrit literature, in which the language attained its highest perfection, when were composed the masterpieces of Indian poetry. The fame of the wisdom of India was now spread throughout the world. Indian fables were translated into Persian, and by the instrumentality of Syriac and later of Arabic, found their way into all the languages of Western Asia and Europe. Indian astronomy and medicine were taught in the Persian and Arabian schools, and in later times

Indian philosophy has contributed much to the doctrine of the Sufis, a Pantheistic sect in Islam. The north-west of India, however, remained in the possession of foreigners. The Greeks were followed by Tartar races, whose rule was interrupted for a short time by that of the Persian Sassanidæ, until, in the end of the seventh century, the Arabs established themselves firmly on the Indus. The Tartar races adopted with great readiness the mild doctrines of Buddha, which became the religion of nearly all Central Asia, so that it has now more followers than even Christianity, and the first Arabian conquerors treated their subjects with great clemency. But in the year 1000 A.D. a period of terrible oppression commenced for the inhabitants of Hindustan, from which they are only now beginning to recover.

I cannot do better than conclude this historical sketch of India with a cursory account of the development of Indian literature. We have already seen that a kind of dogmatical and ceremonial commentary called *Bráhmaṇa* was attached to the old lyrical hymns of the Vedas. Next came the so-called *Sútras*, which embody in one united whole the scattered materials of the *Bráhmaṇas*, and form the starting-point of Indian grammar and jurisprudence. Grammatical studies, which by degrees became necessary for the explanation and illustration of the old texts, have always been a favourite pursuit of the Indians. They have done more for the explanation of the laws of their own language, and for its lexicography and prosody, than any other people in the world. It is only lately that Humboldt, Bopp and Grimm have carried their principles out to wider conclusions. Next to grammar, philosophy is the best product of the Indian mind: We find, even in the Vedas, hymns of a speculative character which show great profundity and breadth of view. The vast solitude in which the Indian thinkers passed their lives aroused in them the consciousness of an all-pervading soul of the world, the idea of the instability and misery of individual existence, a longing for its dissolution, and for absorption in the universal spirit. We thus have speculations of the sublimest character mixed up with the most abstruse distinctions, until at last a scholastic logic possessed itself of them, and fettered them in the narrow sphere of established orthodox systems. The rich vegetable products of India led its inhabitants to pursue the study of medicine, and the anatomical parts of this science were greatly advanced by the practice of animal sacrifice. At first their astronomical studies were confined to astrology; it appears that the Greeks gave the first impulse to real scientific astronomy among the Hindus. In algebra they appear to have reached a point at which we did not arrive till the end of the last century, so that if the Indian algebraists had been known to

us 100 years earlier, they might have produced a revolution in the mathematical studies of Europe. Algebra and the so-called Arabian numerals appear to have been borrowed by all nations originally from India. It was the Indian poetry which first directed the attention of Europeans to the literature of ancient India. It was seen at once that the dramas must be comparatively modern productions; and it was supposed that Indian poetry originated with the epos, which, for a long time, supported the opinion that epic poetry was the earliest form among all nations. Since we have come to learn that the lyric poems of the Vedas are the oldest poetical compositions of India, and that the *Mahābhārata* and *Rāmāyāna* date from a much later period, the view that the poetical efforts of all nations began with lyric poetry, has found general acceptance. The drama arose among the Indians out of singing and dancing, and was, perhaps, influenced by Grecian models. In gnomic and didactic poetry, in fables and stories, they have attained singular excellence. All works of the so-called Sanscrit period—even scientific works—are composed in verse; the reason, no doubt, was that the language was no longer popular, and was only understood by the learned. Besides the total absence of chronology, Indian literature labours under another great misfortune, which, though of less importance in the case of the carefully preserved Vedas, has brought about sad results to Indian literature generally. The climate of India makes it very difficult to preserve books and manuscripts. The consequence has been that people have only re-copied the best works on every subject, so that we only possess in every branch of literary effort what were considered to be complete masterpieces. Another consequence is, that the text of Indian compositions is vague and uncertain. In the frequent transcriptions rendered necessary by the climate, many changes and additions have taken place in the text, some arising from inadvertence, some apparently made purposely. Add to this the fact that many compositions were at first preserved by oral tradition, and committed to writing at the same time in different parts of India, so that many excellent works are preserved to us in varying recensions. In many cases there is no chance of restoring the original text; in those works on which we possess old commentaries, we may hope to restore the text such as it was at the time when those commentators lived. From this it may be seen what a difficult task lies before Indian philology.

ART. II.—ROMAN STUDIES.

THE position of the Romans in the provinces was in many respects so unlike that which we occupy in India that we can, perhaps, derive little practical benefit from the study of their institutions. But it is always interesting to see how the problems of the day were dealt with when they were first suggested, and to examine the effects produced on other States by causes now at work within our own. And we must remember that there is a certain resemblance of outline between the Indian Government and that of Rome. The extent of territory comprised in each of these great empires, the number of the population, their divisions according to race, language and nationality, the proportion borne by them to the conquerors, and to the standing army, correspond as closely as may be. This similarity we proclaimed to the world when our sovereign adopted a title first borne by the Cæsars, and never since assumed without a direct or indirect reference to its origin.

No subject, we presume, has been more often discussed in India than that of local self-government, and we would wish, in the first place, to consider the municipal policy of the Romans. Their own original constitution was that of a free city, and through all the changes incident to a career of conquest they preserved an attachment to this form of administration. In the Italian States, first subdued by their arms, they found many towns which had long been in possession of municipal rights. It was an easy and a graceful task to maintain these cities in their ancient privileges. But when they conquered the barbarians of the west, they found the natives unused to town life of any sort, while in parts of Asia and Africa they had to deal with subjects long accustomed to obey only the orders of the central authority. The Romans did not, however, shrink from the work of introducing among these natives the advantages of local self-government, nor did they, when they had undertaken the task and made a commencement, abandon their measures on the grounds that they were "unpractical," "unpopular," "dangerous," or "unsuited to the character and habits of the natives." Wherever they went, they created free towns. They divided them into classes, possessing different degrees of dignity and independence, but all endowed with powers which in India would be considered extravagant. The municipalities of the provinces may be regarded as so many dependent republics, each possessing within itself a complete organisation, and subject to control from without only in matters which must necessarily be regulated by the sovereign power.

Each free town was governed by its own citizens, meeting under proper regulations, by a Senate, and by magistrates chosen yearly. The officers thus elected and controlled by the people, administered civil and criminal justice and looked to the police of the cities. They raised the municipal revenue, and spent it at their discretion, not only on such necessary works as roads and conservancy, but also on building aqueducts, theatres, temples, baths, on public spectacles, sacrifices, and generally on any object desired by the tax-payers. They also undertook the burden of maintaining the poor in time of scarcity, and of providing a system of popular education. They represented the town in its dealings with the Government, and had to assess and realize the imperial tribute. Their power extended far beyond the walls of the cities, and almost every village was attached to some municipality. They were thus enabled to obtain an income from the land itself, and we read in particular of municipal duties on pastures and flocks. The constitution of the towns was made a means of procuring the advancement of individuals as well as of benefiting the people at large. Municipal magistrates were treated with respect during their year of office, and when it expired received the rank of Roman citizens. Tacitus informs us that the Senate of Rome was in great measure recruited from the ranks of the public men of the municipalities. These institutions stood the test of time. To the last the cities cherished their privileges, and a turbulent town could always be punished by degradation to an inferior rank. Thus when the inhabitants of Antioch broke the statues of Theodosius in a tumult, their city was declared a village subject to Laodicea, and was restored to its former position only on its penitence, and by the intercession of the priests. "The municipalities," writes the Emperor Majorian, in the days of Rome's decline, "deserve to be considered the hearts of the cities, and the sinews of the State." They even outlived the empire which created them. When Honorius withdrew his legions from Britain for the defence of Rome, it was to the free cities that he directed his letters of manumission, and made over the government. In Italy some of the free towns succeeded in resisting the barbarians, and were the happy means of transmitting through the dark ages to better times something of the Roman spirit and Roman civilization.

It cannot be alleged that our own rulers are much inferior to those of Rome in professions of respect for the principle of self-government. They have frequently pointed out that some of the advantages of liberty can be secured in a large empire by municipal institutions, and, perhaps, by no other means. Annual elections, popular assemblies, public debates, these support the political life of the community, and keep even a subject people

from stagnation and torpor. Where they are permitted, the subjects of a foreign power may preserve something of the independence and energy which always characterises the citizens of a free State. There was a time when the village communities of India were possessed of an autonomy not unlike that of the smaller Roman towns, and Sir George Campbell has shown how easy it would be to restore to them the powers which we have taken away or permitted to die out. We repeat that the credit of proving the advantages of the system, and of indicating the way in which it could be most readily introduced, is fairly due to our Indian statesmen. We need hardly add that such merit as they can claim in the matter proceeds no further than this. As has often been remarked, no Government has more frequently than ours earned the praise which is due to good intentions. As for the institutions to which we have given the good old Latin name of municipal, and have established freely wherever taxation is very high, they have no connection with a policy of self-government. The persons by whom they are administered are nominated by the central authority, generally from among the official and European community, and are as much the agents of Government as any of its other employes.

The power of the municipal magistrates under the Roman system did not interfere with that of the provincial governors. Of these there were, in the age of Constantine, one hundred and twenty-six, each of whom will have had under him about the same extent of territory, and the same number of people, as a district officer has in India. Within his own province the governor was almost absolute. The Romans never divided the functions of Government, and knew nothing of the separation of the judicial from the executive authority. The same man disposed of the police, collected the revenue, acted as the political representative of the emperor, and was the supreme judge in civil and criminal cases. The governor could pass a capital sentence, although, strange to say, he could not, without reference to Rome or Constantinople, inflict heavy fines, or condemn a criminal to banishment, nor could he leave to an offender the last Roman privilege, the choice of the form of death. And we cannot measure the amount of power entrusted to a pro-consul by the mere enumeration of his functions. It was a fixed principle with the Romans to maintain in all matters the authority of their provincial representatives, and in practice the influence of a governor appears to have been even greater than might have been supposed from his legal position.

There were some circumstances which rendered the Roman governors more fit for the exercise of so wide a jurisdiction than most of those who hold similar appointments in this

country can pretend to be. Employment in the provinces was, with the Romans, a necessary incident in public life, not a separate profession. The governors were selected from amongst the imperial family, or from the Senate, or from the highest ranks in the army, and were, in fact, the picked men of the nation. The dignity of their office was respected during its term, it conferred on them a certain standing for life, and was reflected upon their children. The Romans never regarded the government of millions as an obscure and humble function that could be entrusted to anyone, and the successful discharge of which left the administrator inferior in his native city to a wealthy freedman. Moreover, all Romans had a traditional reverence for law, and when we speak of any of their officers as having the power of life and death, we must understand the words in the sense in which they are applicable to an English judge, not in that in which they are sometimes applied to a Turkish Pasha. Pecuniary corruption in a judge was punishable with death. An erroneous decision showing crass ignorance, or want of such ordinary skill as may be expected from every judicial officer, exposed him who gave it to an action for damages, although he acted in good faith. No case could proceed without a prosecutor, even when, as often occurred where Christians had their religion imputed to them as a crime, the accused freely confessed the matter of the charge. The utmost publicity was given to all trials, and one of the charges against Veres was that he had re-considered in private a matter already decided from the judgment seat. The greatest care was taken to keep officials free from improper influences. The Emperor Constantine, confirming a custom by a positive law, enacted that no provincial could be a proconsul, consular or president, in his own country, nor could such an officer purchase lands, houses or slaves within his jurisdiction, nor, it was added, could he marry the daughter of a resident. The latter proviso must have seemed hard to the provincial maidens, particularly to those of Roman descent. Zeno, the Emperor, ordered all governors to reside thirty days in the provinces after the period of their command had expired, to give accusers an opportunity to come forward. The Romans were able to trust their officers with great power, because they were selected with care, treated with honour, surrounded with precautions, and held to a strict account.

While on the subject of the character of Roman officials, we may notice a question of minor interest, not altogether unlike one often discussed elsewhere. In the reign of Tiberius, one Cicina Severus proposed to the Senate to pass a resolution that "no magistrate should take his wife with him when going to the provinces." Cicina thought it necessary to explain that he had himself served the State for forty years, and had always made it a

rule to leave his wife at home when ordered abroad, although, he added, they lived on the best terms, and had a family of six promising children. The objections to permitting magistrates to fall into uxorious habits were, he considered, numerous. It was contrary to the old Roman law to let matrons go to the provinces. The expense of supplying their wants was felt as a grievous burden by the people. A train of women embarrassed the motions of war. Ladies, too, were so fond of power that they interfered even with the conduct of the administration, and the movements of the troops. In every district ruled by a married man there were two governors, one of whom was sure to be peremptory and capricious. Finally, it was a fact well known to every senator present that as often as any governor was accused of corruption, his wife proved to be the chief offender.

This speech was met by clamours, some objecting that the motion was not in proper form, others that *Cacina* was too obscure a man to introduce a proposal of such importance. The honourable task of replying in defence of the ladies was undertaken by *Valerius Massalinus*. He acknowledged that they should not be allowed to accompany their husbands on actual campaigns, but, he asked, what more suitable consolation could a soldier have after warfare than the companionship of a wife? The expenses of the matrons, far from being oppressive to the provincials, were not even felt by the private purses of the governors. As to the allegation of corruption, it was, no doubt true that some ladies had taken presents, but so had some magistrates. Were the Romans, therefore, to send no more magistrates to the provinces? And it should not be forgotten that if so many wives remained at Rome, while their husbands were away, there would be an increase in the number of family scandals. The motion of *Cacina* was lost, as we presume it deserved to be. The Romans continued to show their old preference for fathers of families as governors, and to act on the rule that, other things being equal, the candidate having the greatest number of children should be elected to office. *Tiberius* considered himself fortunate when he could get this principle set aside in favour of his personal friends, and *Nero* had to make a law, that adopted children, taken for the occasion only, should not be counted in favour of a candidate. Few persons will say that the Roman criterion for judging of fitness for office is altogether unknown in the Bengal Secretariat.

It is natural that in a conquered country the victors should reserve some special privileges for those who belong to their own race. The Roman citizens had at first these three valuable rights, denied to all provincials,—exemption from the jurisdiction of the local tribunals, freedom from the burden of the tribute or poll-tax, and a monopoly of office. The first of these privileges was founded

on the constitutional maxim that a Roman could be tried only by his fellow-citizens at their popular assembly, exactly as the similar exemption of Englishmen in India is derived from our old law that we can be condemned only by the verdict of our countrymen. As long as the government of the provinces was unsettled, this custom gave to Romans a practical impunity, for it was not in those times possible to send them to Rome when accused of ordinary offences. But as soon as the magistrates felt themselves strong enough to send those who pleaded their rights as citizens to the distant tribunal, which alone had the power to decide as to their guilt or innocence of the matters laid to their charge, the privilege ceased to be worth the having. Thus we learn from the Acts of the Apostles that St. Paul found that the fact of his being a Roman citizen was injurious to him. Festus and Agrippa agreed that the accusations brought against him had broken down, and that if he had been a provincial he would have been entitled to a discharge. But he had piqued Festus by objecting to his jurisdiction in using the words, "I appeal unto Cæsar." "Hast thou appealed unto Cæsar?" replied the angry magistrate, "unto Cæsar thou shalt go." St. Paul's painful journey, his shipwreck, and his prolonged detention at Rome, were the direct consequences of his privilege. So troublesome a right had in the end to be withdrawn. Roman citizens continued to be exempt from the tribute, but at an early period a special succession tax was imposed upon them, and the weight of the public burdens was thus divided fairly. Indeed, fiscal privileges, as they operate against the treasury, are generally the first to be lost by an aristocracy. The claim of Englishmen to be free from transit duties imposed on natives was abandoned during the first years of our rule in India. The monopoly of office, which Roman citizens enjoyed, was also soon broken in upon, but the change was introduced by degrees, and to the last the Romans retained in their own hands a great number of public appointments. They moved in the direction of opening the imperial service to provincials at about the rate at which we are progressing in the same path. We should, however, remark one important difference between the Roman policy in this respect and that which has found favour in Calcutta. With the Romans it was a fixed principle that office should be conferred rather on the bold and energetic inhabitants of the West than on the subtle and polished Orientals. Tacitus makes a general address to a Gallic audience thus :—"Our legions are often commanded by you ; you are governors of your own provinces, and of others also. Nothing is reserved for us only, you are excluded from nothing." It is well known that Cæsar introduced a number of Gauls into the Senate, while the province was still scarcely conquered. On the

other hand it was not until two hundred and thirty years after the subjection of Egypt that an inhabitant of that country, renowned at the time for learning, but also for effeminacy, obtained a seat in the Senate. Founded on the same policy was the rule that the promotion of provincials should be made rather through the army than the civil service. The valour and conduct of soldiers was rewarded without distinction of race, and those who had given proofs of their loyalty to Rome by shedding their blood in the ranks of her legions, were never excluded from any honours on account of their birth. We have reversed both these maxims. Had our rulers had the control of the Roman Senate, they would have introduced a system under which the Greeks would have carried off all the prizes of the civil service at competitive examinations, while the subordinate offices would have been filled with Syrians and Egyptians. The hardy races of Gaul, of Britain, and of Italy itself, would have supplied the rank and file of the armies, destined to give effect to the decrees of these strangers, while the officers would have been selected from such Romans as could pass an examination in the Celtic and German languages.

Closely connected with the question of exclusiveness is that of education. It is always possible to argue with Lord Ellenborough that the spread of knowledge is incompatible with the security of an empire in which the foreign governors are greatly outnumbered by the conquered people. We might suppose that the few can rule the many only when the latter are sunk in ignorance. Now, on this point the Roman precedent is clear and striking. The conquerors of Europe never sought to cramp the intellect of their subjects, but to expand and emancipate it. A doubtful trace of the jealousy with which a delegated governor is supposed to regard the knowledge of those under his charge may be found in Agricola's preference of the natural talent of the Britons to the acquired learning of the Gauls; at least it reminds us of the taste of some Englishmen for natives who can only speak the vernacular. We notice, too, that the Roman nobility objected to the creation of high educational offices, and though their opposition is attributed to a dread that the professors might prove formidable rivals in the race for power, it may have had a different origin. But whatever the sentiments of individuals, the policy of the State in this respect was always liberal and generous. Every municipality was supposed to maintain three schools under the management of the citizens and the patronage of Government. In the first or grammar school, boys of from seven to fourteen years of age were taught the Latin and Greek languages. The second was called the school of rhetoric, as it was supposed to give instruction in the art of public speaking, but composition and

the classical authors formed the principal subjects of study. Those who pleased passed at the age of seventeen into the philosophical academy. Vespasian established in the provinces a number of professors, each on the considerable salary of eight hundred pounds a year. Valentinian founded at Constantinople a college for the instruction of those intended for the liberal professions and for public life. Pupils were admitted only on the recommendation of the district magistrates, who, we are willing to suppose, selected the most promising scholars from the schools of rhetoric and philosophy. The principal of the college made an annual report to the master of offices, showing the capabilities of each pupil, and on this return was based the distribution of appointments. Perhaps it may be considered that the Emperor Valentinian found, what we are still seeking, the happy mean between a corrupt system of patronage and unlimited competition.

The literature and the philosophy in which the provincials were instructed with such care, had their origin in the republics of Greece and Rome, and breathed the very spirit of liberty. So strong was the bias thus given to the minds of the educated classes, that they continued under the empire to write and talk as if they had lived in a free State. The schools resounded with the praises of independence, while the various nationalities were kept in subjection of popular government, while the constitution was despotic; and even of tyrannicide, while tyrants were on the throne. But the Romans never felt the least alarm on this account. They knew how much harm they would do by establishing a censorship, and despised the danger which might result from what we should call the license of the press. We are, perhaps, the only nation which has ever imitated this example of toleration. We permit vernacular journals to say exactly what they please, even when they try to extenuate attempts to poison our Residents at native courts on the ground that such officials are men of low position, who interfere with their betters, and that it is surprising that they are not poisoned oftener. It is our own literature which has taught them to speak with freedom, and we let them imitate or caricature their models. Some persons suppose that there is danger in this, but the Romans did not find any, nor have we as yet. It may be that the motives which induce subject races to submit to the established Government are not of a nature to be effected by declamation on the advantages of independence.

The rapidity with which the Romans succeeded in spreading a knowledge of their language in the provinces is, perhaps, the most surprising fact in their history. They did not, indeed, attempt to supplant the Greek tongue, which they found spoken in most of their eastern possessions. They acknowledged it as in

some respects superior to their own, and adopted it as a second vernacular. But all the barbarian dialects, with which they came in contact, became extinct under their influence. Half a century after the invasion of Cæsar, Celtic had ceased to be spoken in Gaul; within twenty years from the date of the annexation of Pannonia, Latin was the predominant language in that province. In the time of Strabo, Punic was known in Africa, only to the hill tribes. Even the Hebrews, the most exclusive of nations, yielded to the general movement, and recorded the most important events in Greek. The nations which formed part of the Roman empire have lost almost all trace of their former languages, and to this day speak either some modified form of Latin, or some dialect introduced, like the Saxon and the Turkish, by the invaders who seized on the provinces after the fall of the central government. We sometimes hear it objected in this country that we are going too fast in our career of reform, that we should halt for a time, and let things take their own course. Roman critics would, on the contrary, have declared that we had gone at a snail's pace. A hundred years of occupation, and English still an unknown tongue, except to the few natives who make their knowledge of it a means of livelihood! Had the Romans been so long at work with their schools, their municipalities and their law courts, remnants of the native dialects would now be found only in the Himalaya mountains.

The Romans have been generally praised for their liberal policy towards the religions of the different nations which they subdued. Their own faith inculcated the greatest respect for the sacred customs of all countries. When the oracle of Delphi was asked, "What worship is most acceptable to the gods?" the reply was "That which is established in each city." It is hardly correct to describe their conduct as toleration. They did not seek the small amount of thanks with which religious people reward those who tolerate them, but rather tried to appear as the protectors and supporters of all established religions. Had Trajan lived to carry out his intention of conquering India, he would have made gifts to the principal temples, distributed treasure among the Brahmans, got them to declare him an incarnation of Vishnu, made cow-killing a capital offence, introduced the Hindu gods into the pantheon, and celebrated the ceremonial of the Doorga Pooja on the Tiber. The Romans, however, favoured only such religions as were established, and dreaded all innovation. Thus they put to death those who tried to introduce the Egyptian mysteries into Rome, and the attitude they assumed towards Christianity was that of persecutors. Even national religions were discouraged when they seemed dangerous. They took measures to restrain the disturbing power of the Druids in Gaul, and probably pushed on the work of civilizing that

province the faster, in order that the national religion might lose its influence. As soon as under the stimulus of a Latin education the people ceased to care much for their old superstitions, the Druids were altogether put down, under pretence of stopping the practice of human sacrifices. But the Romans were fortunately situated in this respect. The Jews were the only race much attached to religion with which they had to deal, and these they never succeeded in reconciling to the position of citizens. It is not pleasant to reflect how much trouble this people, in spite of their scanty numbers, continued to give until they had been dispersed over the face of the earth. On the whole the Greeks, who were still more tolerant, succeeded better than the Romans in their dealings with the religious element in conquered nations. The ease with which the successors of Alexander managed the fanatical Persians is certainly surprising.

In no respect has the science of government made a greater advance since the days of Rome than in the all-important matter of finance. An empire so large, and comprising provinces so rich, could certainly have been supported without any fiscal oppression. The revenues that before the Roman conquest had maintained a thousand States, should have been more than sufficient for the necessary expenses of a single government, however extended. But we find that the public burdens were very heavy. In the first place, under the name of tribute, a poll-tax was imposed on every provincial. Under the same name an income-tax was assessed on the rich, and we learn that in the case of those who had landed property this amounted to ten per cent of their profits, as ascertained by a careful survey of every farm, and an enumeration of the slaves and stock employed on it. We observe that the Roman, like the Indian Government, claimed this tax in addition to any revenue which might be payable for the land. Custom duties on imports were levied, at the rate of from $2\frac{1}{2}$ to $12\frac{1}{2}$ per cent. An excise duty of one per cent. was taken on the value of all articles offered for sale in the open market, from a house disposed of by auction, to the pettiest necessary sold in the streets. There was a special duty of 5 per cent. on the value of slaves sold or emancipated. The State had a monopoly of the silk trade, forced contributions were taken when soldiers marched, "free gifts" were extorted from individuals and from municipalities, there were taxes on fountains, aqueducts, baths, doors, windows and pillars. The rude expedient of farming out the revenue to individuals, who thus obtained the powers of public officers, while retaining the right to keep for themselves all that they could realize beyond the sum bargained for, was almost universal, and this fact alone is sufficient to prove that the Romans were ignorant of the art of finance. Constantine enacted

that revenue defaulters should not be scourged or put to the rack, but merely imprisoned. The submission of false income-tax returns was an offence punishable with death. It is worthy of remark that in spite of these barbarous institutions the Romans adopted the refinement of an annual budget. It was called an *indiction*, and published on the first day of every July. Supplementary budgets, called *super-indictions*, were also not uncommon, and from our Indian experience we are not surprised to learn that they were considered most oppressive.

The excellency of Roman law is frequently praised, and it must be acknowledged that they carried the science of civil law to perfection. But the same legislators who gave the wisest rules for the settlement of disputes between man and man, showed by their criminal codes that they did not understand the principles on which penal enactments should be founded. Thus theft was punished only by a fine equal to double the value of the thing stolen, and it is specially provided that the abetment of theft is not an offence. We imagine that the municipal magistrates must have occasionally exercised a vigour beyond this very mild law, or the criminal classes could scarcely have been kept in order. On the other hand the embezzlement of public money was punishable by the death of all directly or indirectly concerned. The moral offence of seduction was treated as a capital crime by the law of the first Christian emperor, and a conviction involved the death not only of both the lovers, but of their innocent offspring, and also the banishment of the woman's parents, if they had not acted as informers against their own daughter. We can trace the spirit of caprice and injustice through all their penal laws, and we fear that they were executed with more regularity than one would have expected. Thus there was an old law that if a slave murdered his master all the slaves of the household should be put to death. In the reign of Nero a case of this kind occurred for the first time. It was objected in the Senate that the number of slaves that would have in this instance to be beheaded, was four hundred, and that many of them were women and children, while they were all, save one, innocent of direct or indirect participation in the crime. Nevertheless, the Senate determined that the law should take its course.

The agrarian history of Rome offers a useful warning against the policy of permitting transactions connected with land to take their own course, without considering whether the direction in which they drift is good or bad. The Romans themselves started with a land system as good as any the world has ever known. They were a people of small peasant proprietors. "He is a pernicious citizen," said M. Curius, "who cannot content himself with seven acres of land." Agriculture was considered by them

as the natural and honourable occupation of a Roman during peace. Its dignity was exalted by legend, its pleasures formed the subject of poetry and the theme of prose declamation, and the tastes of the people were thus happily turned towards their daily occupation. There were large public pastures, to supplement the private tillage of each citizen. And there can have been no great difficulty in obtaining land, as we may infer from the law of the ten tables, giving a prescriptive right to the soil after two years' possession. With a home model so excellent, the Romans might have set an example of what we should in India call a sound settlement policy. And they certainly had a fair field to work in. When they subdued the dominions of Carthage, they found the cultivators paying to the State the enormous rent of half the gross produce of the soil. We may infer from this fact that in Africa the land was the exclusive property of Government, for where the tax-collector took so much, there can have been nothing left for anyone else. In the Western states of Europe the land system was in so plastic a condition that it would have been moulded as a conqueror pleased. In Egypt and the East, the Government had the principal share of the rent. How easy then it would have been for the Romans to have introduced into these provinces a system similar to that which had prevailed among themselves, and thus to have spread a sturdy race of peasantry over the most important part of the globe. By doing so, they might have rendered the agriculturists as comfortable as under their municipal system the inhabitants of the towns were made. But, to paraphrase a sentence of the elder Mill, the governors were Roman aristocrats, and aristocratic prejudice prevailed. Wherever they found the land the property of Government, they leased the public rights over whole districts to private individuals, generally to members of the senatorial and equestrian orders. The revenue demanded from these farmers was from the first inadequate, and they made enormous sums of money. But they were not content until even this quit rent was remitted, and in the year 642 *A. V. C.*, a law was passed by the contractors, under the name of *Spurius Thorius*, by which the public revenue on these lands was completely remitted. This amounted to a perpetual settlement without a revenue. The Roman nobles, having thus got rid of the State demands, paid no attention to any rights which might have belonged to the peasants, but treated the land as their absolute property. They bought and sold it among themselves just as they pleased, and cultivated it in the way they found most profitable. The economic laws which prevail under a system of free trade in land were left to work out their natural results. The effect of this policy, or want of all policy, alarmed even its authors. Those

who had got large grants of public land in the provinces bought out their poorer neighbours at home. They everywhere ejected tenants, and established the "*grande culture*" on a scale large enough to gladden the heart of the most ambitious farmer in Scotland. The size of their farms may be illustrated by a fact noted by Gibbon, that "a freedman in the time of Augustus, though his fortune had suffered great losses in the civil wars, left behind him three thousand six hundred yoke of oxen, two hundred and fifty thousand head of smaller cattle, and, what was almost included in the description of cattle, four thousand one hundred and sixteen slaves." Seneca said that the rivers which had once divided hostile nations, in his time flowed through the estates of private citizens. How were these vast farms cultivated? By gangs of slaves, generally working in chains, and under the supervision of slaves of a higher rank. The noble occupation of agriculture could not well be further debased. Freemen avoided it as servile, and sought their living in the flourishing towns. The great landholders congregated together at Rome, or occupied its suburban villas, where they squandered the wealth drawn from their estates in every part of the empire.

The ruin of the agricultural classes was rendered more complete by the fact that slavery was then an established institution. But we must remark that it would have taken place whether slavery was tolerated or not. The Roman nobles could have worked their great farms quite as profitably by means of hired labourers, and the valuable class of tenant farmers would have been exterminated to make room for these dependents, as they were in order to give place to the slaves. The change which contributed so much to the fall of Rome was the result not of slavery, but of the power left to landlords to eject their tenants. Under the same laws it will be produced wherever large plantations are more profitable to the landlord than small farms.

The internal tranquillity of the Roman empire has long exercised the wonder of historians. The provinces contained within them all the elements of danger. The reckless courage of the Gauls, the independent spirit of the Spaniards, the craft and pride of the Carthaginians and the commanding intellect of the Greeks, seemed to be equally dangerous to the peace of a foreign master. Each of these races had separately contended with Rome on equal terms, and it might have seemed impossible that she should be able to hold them all in subjection at the same time. At the best, we could only have anticipated that she would have been able to uphold her supremacy by continuous effort and constant wars. It is nevertheless a fact that, with the exception of the small territory of Judæa, Rome never had to deal with a national rising in a province once thoroughly subdued. The idea of such an

insurrection seldom suggested itself to a Roman statesman. No care was taken to prevent an event which appeared so improbable, no anxiety was ever expressed on the subject. Even when Cæsar left his newly-conquered province of Gaul to commence a civil war, the orators who denounced his conduct, never reproached him with having given to the barbarians an opportunity for regaining the independence they had so recently lost. It was always taken for granted that, though Roman generals might fight among themselves, though anarchy might reign in the capital, though the legions might mutiny and the Germans cross the frontier, still the provincials would never be excited to rebel.

Tacitus attributes this passive obedience to a sense of the benefits of the Roman Government, but this position will scarcely bear examination. The establishment of a regular form of Government in Gaul or in Spain must have been for the good of many persons, but it was injurious to the chiefs, and to the classes accustomed to live by rapine. Moreover, a general idea of utility could not among a savage and brave race have overpowered national feeling and the love of independence. And we cannot but think that the Roman system, with its poll-tax, its order and its centralization, must have been odious to the first two or three generations of provincials. Merivale assigns as a cause of this tranquillity the Roman policy of destroying the native aristocracy in conquered States, and substituting for it a system of petty democracies, the municipalities. But this does not explain the whole of the difficulty, for the members of a native aristocracy are nowhere more dangerous than where they are disgraced by the conqueror, while retaining their hold on the affections of the people. It would seem that the tranquillity of the provinces was partly owing to the activity with which changes were introduced; a new language, new forms of administration, new leaders, speedily denationalize a people. Before, however, the full effects of these measures could be felt, another principle had come into play. The provincials were at first quiet, simply because they saw no chance of successful insurrection. People do not rise against a regular Government when they know that if they do so their fields will be plundered and they may be beheaded. And the ultimate success of a rebellion diminished in proportion to the size of the empire. In this sense it may be said that the larger the extent of a conquered country, the easier it is to hold. The Gauls, for instance, knew that, although the most powerful of the provinces, they were by no means a match for all the others put together, and led by Romans. They were aware that the regular garrison could hold its own for a time, at least in the fortified camps, and that before their organisation could be completed,

all the weight of the neighbouring countries would have been brought to crush them. The German legions of Pannonia would have crossed the Alps; the Spanish forces the Pyrenees; the British would have landed on the northern coast, the Emperor with the prætorians of Italy on the southern. Behind these would come the armies of the more distant provinces, and the rebels would be simply overwhelmed. Then they would have had to pay the bitter penalties which the Romans always exacted from the vanquished. These considerations, rather than any abstract belief in the utility of subjection, kept the provinces in obedience during the first half-century of Roman rule. It is true that if they had all risen at the same time, Rome would have been easily vanquished. As Sir Charles Napier said, when a hundred million combine, the game is up. But then the hundred million never do combine. A voluntary union of such numbers is a thing which has never occurred in the world's history; it is no more to be looked for than a combination of all wild animals to extirpate their human tyrants. The provincials saw that it was as impossible for them to unite together, as it was hopeless for them to fight singly. They, therefore, submitted to the influences brought to work upon them, and these gradually changed them from members of a barbarian tribe, or subjects of an oriental despot, into Roman citizens. Their old chiefs died out, royal families were exterminated, and a new generation grew up, which knew not the institutions or even the language of that which had preceded it. It was, indeed, nurtured on theories of independence and freedom in the schools, but the liberty that pupils there learned to respect was that of the Roman or Greek type, and bore no resemblance to the institutions of their fathers. They were aware that they might as well seek to establish Plato's Republic, as attempt to form out of the materials around them a State possessing the character which they had learned to consider desirable. Thus they came to look forward to no political future except

Completest union with imperial Rome
In all her privileges, all her rights.

And when they had reached this stage of progress, they, no doubt, gave infinite trouble to the Government by their constant requests for new concessions, designed to make them individually equal to their conquerors, but all danger of a revolt with the object of achieving national independence was gone for ever.

It would seem from these considerations that it is a mistake to suppose that such empires as that of Rome, and we may say that of India, are embarrassed by the extent of their territory. They have no resemblance to such rude fabrics as the conquests

of Zenghis and Charlemagne, which fall to pieces as soon as the hand which held them together is relaxed in death. In them every province is kept in its place by the pressure of those around it, and in its turn adds to the solidity of the whole. A house of cards is weak in proportion to its height, but the greater the size of the pyramid, the greater its strength. It may be overthrown by external violence, but it can never fall from its own weight.

This view is confirmed by the example of the only other civilized power which ever obtained an extensive empire in Asia. The conquests of Alexander were made in a few years, and when at his death his generals divided his dominions among them, it seemed certain that the Greek power would be at once destroyed. For not only had they, amidst divided councils and with an insignificant force, to govern an empire extending from the Mediterranean to India, but they had also to deal with a religious difficulty, in the intolerant monotheism of the Persians, by whom they were despised as idolators. Yet the Greek Empire in Asia subsisted for generations, without any other troubles than those which arose from the wars of their kings with each other. The natives never attempted to throw off their yoke, and when they were at last deposed, it was not by their own subjects, but by the superior force of the Romans and Parthians. We can see no causes to explain the permanency of this Greek dominion except its vastness and its order. Machiavelli has attributed its duration to the absence of an aristocracy, it being his opinion that countries in which there are powerful nobles are easy to conquer but hard to keep, and that on the other hand a nation ruled by a despot without the assistance of hereditary chiefs is to be subdued only with difficulty, but may be retained without much trouble. But this theory cannot be applied to the present case, because, contrary to Machiavelli's statement, there was an aristocracy in Persia. We have no doubt that, had Alexander conquered only one foreign nation, as Asia Minor, Egypt or Judæa, the natives would have regained their independence at his death. The duration of his empire seems to have been dependent on its size.

The kings subject to the Roman influence seem to have been as passive as the provincials themselves. It is true that they were not as powerful as our own native princes, who command three hundred thousand soldiers. But they, nevertheless, formed a brilliant galaxy. When Antony prepared for civil war he ranged on his side, besides Cleopatra, Queen of Egypt,

Bocchus, the king of Libya ; Archelaüs
Of Cappadocia ; Philadelphos, king
Of Paphlagonia ; the Thracian king Adallas ;

King Malchus of Arabia ; king of Pont :
 Herod of Jewry ; Mithridates, king
 Of Comagenè ; Polemon and Amintas :
 The kings of Mede and Lycæonia,
 With a more potent list of sceptres.

Augustus married the daughter of Antony and Cleopatra to a son of the king of Numidia, who had walked in Cæsar's triumph and been educated at Rome as a captive, and presented them with Mauritania as a dependent kingdom.

Indeed, the Roman generals played at king-making almost as freely and with quite as much apparent pleasure as our own governors. The giving away of thrones has always been a favourite amusement with conquerors, and, as far as we can judge from the experience of Rome, it does not seem to prove a dangerous pastime. The frontier kingdom of Armenia did the Romans good service in their Persian wars, until the two great powers effected a temporary reconciliation by dividing it between them. This was, perhaps, the only tributary which ever was of any use to Rome, but their other allies did them little harm. These princes knew that if they indulged a natural wish for independence by joining with the enemies of Rome during a war, they would certainly be sacrificed to the vengeance of the Emperor on the return of peace. And Roman vengeance on rebel princes did not mean a villa at Capua, a thousand talents a year, and an exemption from the law of debt.

The trial at Baroda being still fresh in our memories, we cannot speak of the dependent Princes of Rome without suggesting the question, how were they dealt with when accused of offences? Were they publicly and judicially arraigned, like the Gackwar, or were their cases considered in a less formal way? Under the Republic such matters came before the Senate, which, among its other functions, exercised that of a Foreign Office. Cæsar departed from this line of policy, and when Deiotarus, King of Galatia, was charged with attempting to assassinate the representative of Rome while a guest in his palace, the monarch was put on his trial as if he were a private individual. The result showed that any other course would have been preferable to that adopted. Cicero defended "the persecuted prince" with his usual vigour. Like Serjeant Ballantine, he denounced the prosecutors, accused them of concocting false evidence, dwelt on the fact that the witnesses were slaves who, according to their own story, had been agents in the attempt, and argued that the tale was improbable, and that his royal client had no adequate motive to commit such a crime. There could be no disagreement among members of the court, for Cæsar was the sole judge. There was, however, no finding, the case being adjourned for a local enquiry, which

never was held, Cæsar having been assassinated during the interval. The experiment proved so unsatisfactory that it was never repeated. Cicero, in opening his speech, observed that the public trial of a king, though not in itself unjust, was so unusual that up to that time it had never been heard of ; we read of no such event in the subsequent history of Rome ; and, perhaps, it would be as well if in India also, the solitary instance of a royal trial for felony should not be considered as a precedent.

The only domestic danger to which the Cæsars were exposed was that of mutiny. In an extensive empire, including many races and held together only by the artificial organisation of government, the soldiers have always the power of reducing the rest of the people to subjection. They are not kept from doing so by any national sentiment, as, whatever patriotism they feel, is for their own particular nation or tribe, not for the empire at large. And the majority of them have the wish to rise from their humble position in the ranks, and become the masters. What, then, is it that keeps such armies from mutiny ? The habit of obedience, which we call discipline, and the difficulty found in effecting combinations. This is certainly a fragile tenure by which to hold empire. The Roman Emperors were aware of this, and thought everything else unimportant in comparison with the preservation of the allegiance of the legions. Some might have supposed that, having this object in view, they would have lived constantly in camps, destroyed all institutions not sprung from the military order, and by every means flattered the soldiers. Augustus adopted a very different policy. He preserved all the outward forms of the republic with scrupulous care. To the legions the Senate was always put forward as the supreme authority in the State, and it was to it that their grievances were referred. It seems strange that soldiers should obey an assembly of grey-beards more readily than a warlike Emperor, but there is this explanation of the fact ; the sovereignty of the Senate had been long established, and was hallowed by prescription ; that of the Cæsars was then novel and was derived from the army itself. The affections of soldiers are given to their successful generals, but their obedience is more readily yielded to some superior authority. Commodus was the first Emperor who dropped the mask, and appeared openly as the enemy of the Senate and the flatterer of the army. The wisdom of the policy of Augustus was then conclusively proved. Released from their traditional awe, the soldiers ceased to pay any respect to authority. Although every effort was made to keep them in order, there were more than a hundred serious revolts during the next hundred and twenty-five years. The soldiers in this period of insubordination deposed several Emperors for want of liberality, one because, following the Roman custom, he made the

legionaries work at draining a marsh, one because he made a discreditable peace when the army would not fight, one for submission to the Senate, and one because, like Canning, he denied to new recruits the privileges granted to veterans. Any excuse appeared sufficient cause for a mutiny. This spirit was permanently checked in the reign of Constantine, by a device that, though it appears opposed to that of Augustus, was conceived in the same spirit. Augustus kept before the eyes of the legions the august forms of the republic. Constantine found these forms no longer venerable, and he substituted others. He converted a military despotism into a civil monarchy. He assumed all the emblems of oriental sovereignty, and imitated the pomp of eastern courts. He instituted a hierarchy of rank, filled his palace with household officers, required abject prostrations from those who approached him. Finally, he obtained for his title the sanction of religion. Far from despising the new Government as effeminate, the soldiers admired and obeyed it. It was something above themselves, a mysterious source of power, quite distinct from the military rule to which they were accustomed. The policy of Constantine was as successful as that of Augustus, and the declining days of Rome were but little troubled by mutinies. The history of our own policy in this respect presents a certain analogy to that of Rome. Clive was as careful as Augustus to disguise the new power he created in India under old forms and familiar names, and, while perfectly aware that his authority was derived from the victories of his soldiers, to appear in their eyes as if he founded it on a purchased charter or an extorted treaty. Succeeding governors disclosed the real position more openly, until Lord Dalhousie revealed the whole situation by treating the Native Princes much as Commodus treated the Senate. The sepoys then realized the full truth, and saw that the old order of things had passed away completely, that India was no longer governed, under the auspices of the Emperor of Delhi, by many hostile but subordinate powers, but that the rule of the foreigners was universal and supreme. Then in India, as in Rome, came the era of mutinies. It was followed by the complete destruction of the forms which had been prematurely discarded, and now the Empress stands, like Constantine, as the sole source of authority in the country. It is our present policy to strengthen this new principle in every way, by giving splendour and dignity to the person and the government of the Sovereign. Royal visits and courts must form a portion of our future system of administration. They are efficient and by no means an expensive substitute for the gauds which dazzled native eyes in the last generation.

It may be well to add a word as to the Roman method of

dealing with mutiny when it manifested itself. The centurions had the power of life and death and could repress disaffection by immediate and adequate punishment. The Romans knew nothing of the restrictions which we place on the power of officers, and left their hands free in such matters. They were thus often able to crush a mutiny in the bud. But if the discontent became general, they never attempted to meet it with great severity. Their policy was that by which Lord Canning kept the cantonment of Barrackpore quiet, not that which, under the orders of General Anson, led to the outbreak of the mutiny at Meerut. When Cæsar was disobeyed by a legion, he disbanded it. When the Pannonian and Gallic legions mutinied for permission to retire after sixteen years' service, increase of pay, and exemption from certain fatigue duties, Tiberius went so far as to grant the first of these three requests. It is true that as soon as discipline was restored the ringleaders were massacred, but the concession was never withdrawn.

The Romans themselves frequently noticed the melancholy fact that under the influence of their rule the military tastes of the provincials, and even of the Italians, rapidly disappeared. Tacitus complained that even in his time the valour of Roman subjects was growing cold, and that those who had been longest citizens of the empire, possessed in the least degree the courage necessary to render it permanent. "The Britons," he writes, "are more proud and bold than the Gauls, because they have not been enervated by a long period of peace. For we have heard from our fathers that the Gauls also flourished in war, but cowardice quickly came with rest, and valour was lost with liberty. This is seen in the parts of Britain which have been long conquered: the rest remains what Gaul was." The well-known courage of the French nation, both before and after the period of the Roman Empire, gives a sad emphasis to the words, *Gallos quoque in bellis floruisse accepimus*. The first overt symptom of a decline in the warlike spirit of Rome was afforded by the difficulty found in getting recruits for the army. High pay and special privileges could not tempt the subjects of the empire to embrace a military life. A conscription had to be established, and it was found that to secure a disgraceful exemption the young men of Italy cut the fingers from their right hands. In order to fill the legions, it was found necessary not only to lower the minimum standard of height, but also to enlist barbarians and slaves, and even to establish a military caste, by enacting that the sons of veterans who received pensions should follow the career of their fathers. The armies thus got together were not like those which had followed Pompey to the conquest of Asia, and Cæsar when he subdued the West. The soldiers complained of the weight of their armour, and

successively obtained leave to lay aside both their cuirasses and their helmets. They even discarded as too heavy the pilum and broad sword, the traditional instruments of Roman victory, and preferred to fight at a distance with bows and arrows. Going to war in such a spirit, the legions would have been easily vanquished by any civilized enemy possessed of ordinary courage. The empire must have collapsed suddenly like that of the successors of Alexander, had there been any power ready to supplant it. But the Romans of the later empire had to meet only such Tartar hordes as those of Attila, or barbarians from Germany who had themselves been vanquished by these Asiatic swarms, or the effeminate soldiers of Persia. Even by these contemptible enemies they were often defeated. Then appeared another and still more distressing sign of degeneracy. It was shown that, bad as was the Roman army, it contained within it all that was left of the warlike spirit of so many brave nations. The people themselves were able to offer no resistance to the barbarians. They let these savages plunder their property, and even carry them off into slavery, without making the slightest effort at self-defence. They could have in a month learned as much military discipline as the barbarians had ever acquired, and then they could have overwhelmed their invaders by the mere force of numbers. But they had not the spirit to make the slightest effort to save themselves. To the last the legions were able to meet every enemy on at least equal terms, but the civil population was unequal to the task of playing the most subordinate part in the struggle. When we remember that these provincials were Britons, Spaniards, Gauls, and in many places Germans, we see that brave races may lose the power of self-defence more completely than we should at first have supposed possible.

When we enquire what was the cause of this degeneracy, we leave the domain of ascertained fact for that of speculation and opinion. It seems that valour may be retained in all its brightness under a despotic form of government, such as that of the Russians, the Turks, or the Macedonians. The example of the great republics of ancient times, and that of England and Holland at present, show that it is nowhere more conspicuous than in rich and luxurious nations. But we may doubt whether the warlike spirit can survive such a long and profound peace as that enjoyed by the Roman Empire. As Hume has somewhere remarked, courage is of all national qualities the most precarious, because it is exerted only at intervals, and by a few in every nation, whereas industry or knowledge may be of constant and universal use, and during several ages may become habitual to the whole people. If valour be thus liable to be

lost even in nations where it is occasionally exercised, how can it be retained in an empire where it is never called forth? In small States the minds of the citizens are frequently filled with the thought of war, they have stories to tell of the adventures of their fathers in battle, and become familiar with the ideas of military toil and danger. Even those who have had no actual training are accustomed to the maxims of discipline and honor, and are ready to take up arms when the occasion arises. But in the Roman Empire the fear of invasion and the desire of conquest were ultimately lost. The legions guarded the frontier and decided all civil conflicts. The ordinary subject looked upon war as an affair with which he could never possibly have any concern. He was altogether unprepared for it, and when it came, found the truth of the maxim that we are brave only against those dangers with which we are familiar, either in fact or in imagination.

The quickness with which the adoption of a peace policy was followed by the ruin of the empire is certainly remarkable. The facts of the case are generally disguised by the assertion, taken from Tacitus, that Augustus established the principle of non-annexation; and as the empire remained in full splendour long after his death, it is inferred that the operation of the cause in question must have been slow. But it is not true that the reign of Augustus was spent in peace. He permanently added to the empire the whole of modern Austria and Switzerland, conquests more important than those of any other Roman commander. His legions penetrated the heart of Germany, and marched a thousand miles south of the tropics. His wars were on a scale to tax to the uttermost the whole power of Rome, and to keep every province in a state of activity. His immediate successors were less aggressive, but the conquest of Britain during their epoch exercised the valour of the legions, and kept alive the belief that the career of Roman conquest was not yet completed. Trajan found the eagles still invincible, and during his short reign conquered Dacia from the Germans, and in his successful invasion of Western Asia almost penetrated to India, the great object of his ambition. Had he ruled for twenty years instead of nine, he would probably have opened the route to a country which would for generations have tempted the cupidity and taxed the strength of the Romans. When he died in the year 117 A. D. the power of Rome was in its meridian. It was his successor, Hadrian, who introduced the peace policy, and he did so in the most striking manner, by resigning a portion of his predecessors' conquests, contrary to the immemorial superstition of the Romans, that, however their frontiers should move, they never should move backwards. Then commenced the golden age of Roman history,

the period of rest and content. The people supposed that the Roman Empire had at length reached its natural limits, the seas, the deserts and the great rivers. They desired no new acquisitions, and never suspected that they could find any difficulty in retaining what they had already won. They had attained the stationary state, in which they thought that they would be let remain for ever. Their view of their own position may be illustrated by the following quotation from Aristides, who flourished in the reign of Hadrian :—"The whole world seems to keep one holiday ; and mankind laying aside the sword which they formerly wore, now betake themselves to feasting and to joy. The cities, forgetting their ancient animosities, preserve only one emulation, which shall embellish itself most by every art and ornament: theatres everywhere arise, amphitheatres, porticos, aqueducts, temples, schools, academics ; and one may safely pronounce that the sinking world has been again raised by your auspicious empire. Nor have cities alone received an increase of ornament and beauty ; but the whole earth like a garden or paradise is cultivated and adorned ; insomuch that such of mankind as are placed out of the limits of your empire, who are but few, seem to merit our sympathy and compassion." Still more forcible are the words in which Pliny speaks of Italy :—"The chosen of the gods, the country which makes heaven itself more famed, which unites scattered governments, smooths away barbarous customs and tribal feuds, substitutes for so many rude languages one common tongue, bestows civilization on the human race, and becomes the sole fatherland of all the nations of the earth." This long festival of peace, as it has been called, lasted exactly fifty-three years. When it commenced, the Roman army was in the highest state of discipline, and had recently routed every enemy against whom it had been led by Trajan. At its close the legions under the command of Antoninus Marcus proved unable to conclude with success a defensive war against a barbarous tribe. From that time one disaster followed another, until eighty years after the close of the golden age, every province was overrun by barbarians, while the Emperor was a prisoner in the Persian camp. It is true that the military spirit, which had faded away during peace, was in some measure revived by misfortune, and that shortly after this period of abasement we find Rome again victorious under Claudius, aggressive under Diocletian, tranquil and united under Constantine. But the causes at work within the Roman Empire commenced to operate again as soon as peace was restored, and her second fall was irretrievable. It would seem that the power of Rome was held on the condition that it should be exercised with vigour. It had grown greater after the reverses of foreign war, and had survived the shocks of civil discord

but it decayed and crumbled away during a period of protracted peace.

If the Anglo-Indian Empire stood by itself, and was not supported by England, we might say that it was now in its age of the Antonines. As the Foreign Secretary recently remarked, it has reached its natural limits of the mountain and the sea, the native princes within its boundaries have received charters of independence, and the work before it, is that of peace. The Government in the Military Department has noted, like Tacitus, that the provinces which were first conquered have become less warlike than our more recent acquisitions, and a practical proposal to reduce the Madras Army, while increasing that recruited in the North-Western districts, has been founded upon this view. All over India, according to General McMurdo, the task of raising soldiers becomes more difficult every year, owing to the decline of military tastes. "The area of recruiting," he adds, "has been extended in some degree beyond our frontiers, to those races which are still poor and unacquainted with any other pursuits than those of robbery and bloodshed:" that is to say, we have adopted the Roman plan of hiring the barbarians to fight for us. The general proposes that we should now have resort to another Roman expedient, that of forcible conscription. It seems probable that hereafter, if our subjects give us no trouble by disloyalty, they will afford us less aid than heretofore in times of difficulty. In this respect we shall meet at a disadvantage a power whose policy continues to be one of progress, not to say aggression. But we have this clear superiority over Rome, that the seat of our power in the West is one of a group of nations which must long continue to dread each other, and that whatever the wishes of her ministers, England is never likely to be left for any considerable period free from the apprehension and the reality of war.

Those who try to anticipate the future of India sometimes adopt an idea started by Macaulay in the course of a parliamentary debate on our education policy, that a time may come when, having so ruled as to render the natives sufficiently enlightened to guide their own destinies, we may abandon the government of the country to them. Strange to say, England has herself been treated exactly as her philosophers propose that she should treat India. The Romans when hard pressed at home withdrew their legions from the island, and gave to its inhabitants the gift of independence. The result of the experiment was not such as to prepossess us in favour of its repetition. Their insulated position should have given the English a great advantage in the task of self-defence. They had to resist no enemy more formidable than the barbarian tribes of the Highlands

of Scotland, and such Saxons as could cross the seas in open boats. But, enervated by a long peace, these men, who had been so brave even in the time of Tacitus, proved unable to deal with their contemptible invaders. They frequently solicited and twice obtained the aid of a Roman legion, and this small force easily disposed of the enemies with whom our ancestors could not cope. But as soon as the imperial eagles retired, the savages returned to their work of plunder, and revenged their defeats upon the helpless provincials. "The barbarians," they wrote in a letter entreating the Romans to resume the government of the country, "on the one hand chase us into the sea; the sea on the other throws us back on the barbarians; and we have only the hard choice of perishing by the sword or by the waves." The fate of the other provinces was similar to that of Britain. Tacitus, in addressing the Gauls, then in a seditious state, assured them that the stately fabric of empire, raised by the valour of eight hundred years, could not fall without crushing in its ruins all those who had found protection beneath its dome. These words proved prophetic. All the provinces shared in the misfortunes of the city. The inhabitants of countries once proud of their spirit, and subsequently of their Latin culture, were plundered, slaughtered, or reduced to personal slavery, at the caprice of barbarian conquerors. It would seem that in an extensive and orderly empire the welfare of every part is indissolubly connected with that of the whole, and that the *dissecta membra* cannot live when separated from the head and the heart.

ART. III.—HISTORICAL SKETCHES.

PART II.—THE SIKHS IN THE UPPER DOAB.—(*Continued.*)

HAVING traced the progress of the Sikh aggressions on this side of the Jumna from the earliest times down to the premature death of Mirza Nujuf Khán, I now propose following the fortunes of the *sirdárs* from the date of that untoward event to the year after the British occupation of the country. Despising Zábiteh Khán, they continued the practice of sending each a few *sowárs* across the river regularly every three or four months, and collecting taxes from their respective circles (*puttees*), just like the imperial land revenue. In fact, the whole tract north of Meerut may at this period be considered as Sikh territory, for his struggles with the Emperor had exhausted the Nuwáb's resources, and the new Ameer-ul-Umra, Afrasiáb Khán, though lavish of advice, seemed reluctant to afford him any substantial assistance in defending the frontier.

The eleventh Sikh invasion, 1783 A.D.—He even remained passive when, in the year 1783,* Bughel Singh led a host to the very brink of the Ganges, the left bank of which was fortunately occupied by the Nuwáb Vizier Asufu'-dowlah's troops, whose determined bearing deterred the invaders from attempting the passage of the stream. An English traveller, Forster, bears witness to the panic that seized the people of Rohilkhund at this fearful crisis, during which some of the marauders, turning their arms northward, penetrated the Sewalik hills without opposition and advanced to Dehra, where they spared nothing save Guroo Rám Ráe's temple. Although this is the first well-authenticated invasion of the Doon by the Sikhs, it is probable that they had already paid the valley hostile visits. Henceforth, at any rate it became tributary to certain *sirdárs*, who exacted Rs. 4,000 a year from the Mahárája of Gurhwál, in consideration of their forbearing to commit raids upon his territories. Forster† happened to be at Suhuspoore, when two troopers came to make the usual collections. He gives a graphic account of their high-handed proceedings, expressing his readiness to resign his appointment in the public service and exchange places with one of them. They appear to have fared like princes.

The Chulecsá, S. 1840.—The lot of the people themselves was far different. Famine and pestilence aggravated the horrors of war. Little or no rain having fallen for a series of months, the

* Franklin, p. 102. Cunningham, 30th April 1827.
ham, p. 117. Forster's Travels, vol. † Travels, vol. I., p. 199.
I., p. 283. Dehra Doon Records,

consequent drought became known as the *chuleesá*, from the date of the visitation according to the *Sumvut* year, 1840. The invariable accompaniment of disease, which culminated in an outbreak of cholera at Hurdwár during the fair of April 1784 A.D., kept pace with the prevailing scarcity, and a remission of one year's revenue proved necessary.

By this time the threatening attitude of the Sikhs had excited the apprehensions of Warren Hastings* himself, who deputed a Major Brown to Delhi (1784) with the express object of organizing a confederacy against them, if possible; but the embassy came to nothing. Similarly, they seem to have been deeply impressed by the rapidity of our own progress in the east, for, in the following year, while Mahadajee Scindhia was on his way to Delhi with Sháh Alum after the capture of Agra, a mysterious stranger in the garb of either a shawl merchant or a common *kupráwálla*, visited the *moonshee* of Mr. Anderson, the British Ambassador, and opening the conversation by offering clothes for sale in the ordinary course of trade, next spoke of some jewellery so precious that it could not be exhibited except in private. When at last the *moonshee* retired with him to examine the wonderful gems, he then disclosed his true character and purpose. He was in reality a confidential retainer of Dooljeh (Dulcha?) Singh, a Sikh chieftain unfriendly to the Mahrattas, a recent arrival in the camp, and had come to express his master's earnest desire to win the friendship of the British.† Thirty thousand of his co-religionists were, he added, encamped between Paneeput and Delhi at that very moment; so that, had a diversion in the east occupied the attention of the Emperor's allies, the capital might have been compelled to open its gates to the *sirdárs*. This curious intrigue, however, exploded harmlessly, so far as we were concerned, in the shape of a report to Government. Such a mild procedure was foreign to the spirit of Sikh politics.

The twelfth Sikh invasion, 1785 A.D.—The 30,000 men in question doubtless belonged to the invading army of 1785, which, sweeping with irresistible violence over the Northern Doáb and fording the Gauges at Tigree Ghát near Gurhmukhtesur in the Meerut district, finally penetrated to Chundosec in Rohilkhund.‡ The principal leaders of the expedition were Rác Singh of the Bhungee Misl and Shere Singh, his nephew, whose name, now heard of for the first time, is that most familiar to the peasantry, in spite of his uncle's high reputation. Among those of less note were Jodh Singh of Chuchrowlee, and Sahib Singh of

* Franklin, p. 115.

‡ Cunningham, p. 117. Of Hamil-

† Auber's Rise and Progress of the British power in India, vol. ii., p. 428, p. 26.

Ladwá, with whom some traditions associate Oogur Singh and Bhunga Singh Kháderwáls. The Bárhá Seyud towns lay right on the line of march and suffered accordingly, the sack of Meeranpore, the Nanoutah of Mozuffernugger, being again specially signalized. This irruption was fatal to the trade of Rohilkhund, and its ruin was completed by the commercial treaty concluded between the East India Company and the Nuwáb of Oude three years later. Zabiteh Khán, unable to stem the tide, lay trembling within the ramparts of Ghosegurh, where he ended his days a few months later. His difficulties had suggested the plan of changing this celebrated stronghold from an entrenched camp into a fortified town, and its situation with reference to the two important Pathán colonies of Loháree and Jellalabad, on the high road from Saharanpore to Delhi, would have favoured the project, had it not been opposed to the private interests of the Patháus, who are said to have sided with the imperialists. He left his son, Gholám Kádir, a nominal revenue of about ten lakhs, and an undisciplined rabble of some ten thousand men, called an army by courtesy. Starting with such slender resources, the young Nuwáb achieved results that well-nigh changed the history of Northern India. An almost insane vigour characterised his administration. His name, if odious to the Government, was still terrible to his political opponents, while the Sikhs, lately masters of the country, were now confined to the right bank of the Jumna, and did not dare to re-cross the river for nearly three years.

The thirteenth Sikh invasion, 1788 A.D.—At length, Gholám Kádir's prolonged absence induced them to venture over. In April 1788 intelligence of a thirteenth Sikh invasion re-called him from his operations against the Mahrattas in the south. The latter had invoked the aid of the *sirdárs*, who, reinforced by a contingent from Rana Khán's army, had hardly completed the grateful task of sacking Umbehtah, when the Nuwáb, hastening back from a decisive victory over an allied army of Játs and Mahrattas near Bhurtpore, encountered the intruders and drove them before him out of the province. This incursion, so speedily repelled, is memorable as the only one that took place during Gholam Kádir's otherwise eventful administration. His *coup d' état* at Delhi, his flight to and escape from Meerut, his accidental capture and barbarous execution, all soon followed.

Meanwhile, the division of the Mahratta army previously occupied in besieging Meerut, marching northward under the command of Rana Khán, Alee Bahader, Nuwáb of Bánda, and his brother, Ghunee Bahader, the first Mahratta Governor of Saharanpore, completed the annexation of the province. Leaving their colleague to settle affairs of mere local interest, the two former entered the

Punjab with the bulk of their forces for the purpose of securing the friendship of the Putiálá and Sirhind chieftains by a timely display of their strength. This military promenade was the means of establishing relations of a novel character between the Sikhs and the new Government. Not only did the *sirdárs* acknowledge the supremacy of Scindhia (with mental reservations suitable to the occasion), but some accepted the rôle of peaceful feudatories, receiving a very substantial return for their complaisance. They undertook the fiscal management of certain *pergunnahs* in the Doáb allotted to the maintenance of Sikh contingents. In other words, feudal tenures were bestowed upon them in commutation of their claims to black mail, an arrangement as profitable to the recipients as it was injurious to the public interests. In 1790 A.D. Râe Singh of Jugadree and Shere Singh of Booreea ousted Ramdyál Singh, the Goojur Rájá of Lándhourah, from the farm of numerous villages included in the lease granted to his father, Chowdree Náhur Singh, by Nujeeb-u'-dowlah. The *júgeer* thus obtained consisted of the Manglour, Jourasee and Joulapore *pergunnahs*, but their tenure of the fief was short-lived, for Bhairon Punth Tántya, a governor unfriendly to them, reinstated the Rájá in the following year. The disappointed chieftains, however, never entirely gave up their pretensions to the resumed tract, and one authority* states that they actually held possession till the year 1206 F. (1797-98 A. D.), possibly meaning that Ram Dyál Singh consented to pay *rukhee* in satisfaction of their more serious claims. Both, in the meantime, retained a *jaeddád* in the Sultanpore *pergunnah*, while Râe Singh got a footing of an indefinite nature in the Nukoor tahseel. The latter was an excellent administrator. He gladly gave shelter to the fugitive bankers from Nujeebábád, after its sack by the imperialists in 1772 A. D., at Jugadree, which thus rose considerably in importance, and under his protection Nukoor developed from a comparatively insignificant provincial town into a place of some magnitude. He improved it in various ways, building, for example, a new bazaar, as well as a substantial *tuhseelee* used by our own Government down to the time of the mutiny, when it was burned, together with the old *Thannah* situated in the very compound where the Sikh chieftain used to keep his stud and establishment of inferior retainers. The great Goojur talookdár was fain to temporise with his rivals, so he and the Chief of Jugadree are said to have "exchanged *pugries*" in token of mutual friendship. Their families continued to interchange traditional courtesies until after the death of Ranees Sukhun, wife of Bhugwán Singh, the *sirdár's* adopted son.

* MS. History of the Punjab.

But Nukoor formed a small portion of the new fiefs. Goordut Singh of Ludwáh also held the *pergunnahs* of Jhinjhánuh, Kándlah and Shámlee in the Mozuffernugger district, for twelve whole years, besides Kurnaul. He, perhaps, owed some, at least, of his local influence to a collision with a Mahratta commander named Nana Sukh Deo, in which the Sikhs captured one gun from the enemy. The field of battle was between Burhee and Raneepoor, two villages not far from Nukoor. Bhunga Singh likewise acquired Bidowlee and Kairanah. By this course of policy, the Government gave a varnish of legality to a system of exaction that could not be wholly suppressed.

Notwithstanding these precautions, the borders never were secure. Petty incursions took place from time to time as heretofore, and on one occasion Sirdár Deewán Singh, jealous, probably, of the favours conferred upon Ráe Singh, looted Nukoor. This outrage occurred about the year 1790 A. D., and three years later matters became so bad that Mahádajee Scindhia was contemplating an expedition for the chastisement of the more refractory chiefs, when death frustrated his designs (1794 A. D.).

The fourteenth Sikh invasion, 1795 A. D.—The malcontents, of course, hailed this accident as a propitious omen, and a regular invasion signalized the year 1795 A. D. The invading force was small, not more than 5,000 men; yet the local militia were scattered like chaff before the wind. The fugitives took refuge in the fort of Jellalabad, abandoning the surrounding country to its fate, and the town of Saharanpore would have fallen into the hands of the enemy, had not the intrepid Irishman, George Thomas,* suddenly appeared upon the scene of action. This admirable soldier, previously engaged with Appa Kháude Rao in the settlement of Mewát, had been directed by his employer, who was himself apprehensive of an attack, to go straight at the Sikhs and fight them wherever he might find them within the limits of Mahratta territory. Such orders were eminently congenial to Thomas's temperament, nor did he lose much time in putting them into execution. He hastened to Jujhur, and, having there made some rapid preparations, crossed the Jumna to win a bloodless victory. The bare rumour of his approach sufficed to precipitate the enemy into the Punjáb. They had, it is significantly noted, already seen "samples of *his* method of fighting," and did not care to see any more for the present. The remarkable effect of his unexpected advent excited the admiration of the famous Mahratta General, Lukwá Dáda, a man somewhat imbued with the spirit of chivalry and therefore capable of appreciating it in others, to such an extent that he

implored Appa to lend him the services of the bold mercenary in organizing a frontier force expressly intended for the defence of Saharanpore. Though loath to grant the request owing to private considerations, Appá Khande Rao at length yielded, and Thomas took command of 2,000 infantry, 200 cavalry and sixteen pieces of flying artillery, receiving the *pergunnahs* of Paneeput, Sonput and Kurnaul in *jágeer*, to enable him to maintain his little army on a proper footing.

In April 1796 A.D., under the administration of Bapoojee Scindhia, a tragic episode, showing how far the Sikh *sirdars* were from being "merely tolerated as dependants or as servants," in the manner described by a standard authority,* forcibly illustrated the impotency of the Mahratta Government. To understand its origin, we must go back thirty years.

The question of precedence among the various sects of religious ascetics at the larger Hurdwár fairs had always been a difficulty often leading to bloodshed under the old *régime*, just as it has constantly caused petty annoyance to the executive officers in the present century. From time immemorial, however, the title of the Gosains to the first, and of the Bairagies to the second place in the solemn processions to the bathing *ghát*, had been universally acknowledged, until an event occurred during the Kumbh fair of 1760 A.D.,† which rather unjustly debarred the less respectable devotees from taking any part at all in these much-valued ceremonies. Two brothers, Dhokul Geer and Daya Ram Pathá, became, the one a Gosain, the other a Bairagee, respectively. The Gosains, be it observed, are devoted to the *cultus* of Shiva, whereas the Bairagies swear by Vishnu, and a hundred years ago a bitter feud consequently raged between these bonighted sectarians. Now it came to pass that the brothers, happening to meet one another at the fair, began to argue about knotty points of doctrine, and, according to the law invariable in such cases, from arguments proceeded to abuse. Still neither could convince the other, so they finally had recourse to blows. Their respective co-religionists, inflamed with religious zeal, gradually joined in on either side, and the conflict soon became general. It terminated in a regular pitched battle near the holy town of Kunkhul, the issue of which was highly satisfactory to the Gosains, who gained a decisive victory. The wretched Bairagies left 1,800‡ men dead on the field of battle, a result fatal to their ritualistic claims. Presuming upon their triumph, the victors henceforth assumed overweening airs of superiority,

* Cunningham, p. 121,

‡ The number usually given is

† Asiatic Researches vol. xi., p. 18,000.
455.

not merely over the Bairagies, but over everybody else, and insensibly usurped official prerogatives, regulating the police of the fair* and superintending the collection of the local cesses year after year. Their Mohunts even exercised magisterial powers and daily administered justice after their own rough fashion, flogging, fining, and otherwise punishing real or supposed malefactors. Such was the proud position of the sect in 1796, when the arrival of an enormous concourse filled with the most combustible materials was expected, another *Kumbh* being at hand. The Mohunts, therefore, issued a proclamation—wise enough, had its object been practicable—that none except the provisional police should carry arms during the fair.†

Massacre at Hurdwár in 1796 A.D.—At first affairs wore a promising aspect. The Gosains swaggered about with sword and buckler, others carrying, at best, the quarterstaff generally affected by the peasantry, and order was everywhere strictly preserved. But at length the clouds of dust thickened above the neighbouring Brahmanical town of Joulapore, on the Saharanpore road; a rush of horses galloping and a clanging of accoutrements announced the arrival of troublesome visitors; Rájá Sahib Singh of Putiálá, Ráe Singh, the fierce *jágeerdár* of Nukoor, and his no less formidable nephew, Shere Singh, were at hand, and twelve thousand savage warriors followed them. With them also came a long train of Oodásee *fiqueers*, devout followers of Nanuk, a sect, indeed, not naturally combative, but, having so powerful an introduction, determined to exact courteous treatment and ill-disposed to give precedence to any other. After the *sirdárs* had pitched their tents near Joulapore, the Oodásee Mohunt accordingly proceeded to Hurdwár, and selecting a spot suitable for his purpose, erected a standard to mark his camping ground, without any reference to the improvised police, who, indignant at the sight, straightway pulled it down and rudely hustled the Mohunt's followers. These retaliated, but were overpowered by numbers; and the guardians of the peace, elated with success, presumed even to annex some of their property. The outraged Mohunt, boiling with indignation, immediately rushed off to his chief patron, the Rájá of Putiálá, and hotly poured forth the aggravating history of his wrongs in the presence of that potentate. The chief, having heard his tale in grim silence, took secret counsel with his colleagues. Their first step was pacific. They contented themselves with despatching an envoy to demand redress from the Gosain Mohunt, who at once admitted the right of the Oodásies to encamp wherever they pleased, lost no time about having the

* They are sometimes called the
"Kotwáls of Hurdwár."

+ Asiatic Researches, vol. vi., p.
314, &c.

plunder restored to its owners, and promised faithfully to punish the culprits. The triumvirate professed to be satisfied with this assurance. In reality, they were meditating a terrible revenge.

The Sikhs are, let me remind the reader, like all Asiatics, by nature prone to treachery and exceedingly vindictive. When their passions are roused, they, perhaps, surpass others as much in perfidy and cruelty, as they unquestionably do in endurance and bravery. The representative Singh, frank and openhearted, straightforward and chivalrous, is a creature of the imagination. Indeed, such qualities as book-makers, viewing him from a distance, love to attribute to him, rarely exist in a barbarian, however valorous he may be. At all events, a fine or a flogging could not wipe out the insults above described, in the estimation of a haughty *sirdár* of the last century, nor was it likely that the greedy freebooters of Jugadree and Booreea, having once got what they considered a good excuse for inflicting reprisals, would calmly witness the appropriation of dues, the collection of which they had themselves once enjoyed.* Under the circumstances, an explosion was inevitable.

The great bathing day, however, passed off quietly (8th April). The multitude washed and melted away with an orderly regularity that would have done credit to the elaborate arrangements of a modern Collector. The 9th April, too, was a day of peace and tranquillity, and the Gosain Mohunt, congratulating himself on his excellent management, was already preparing to depart. But one day more remained.

On the morning of the 10th the Sikhs removed their baggage and other encumbrances—women and children—with the utmost deliberation, to a village situated at a convenient distance from Hurdwár, and then returned in battle array, with equal deliberation, resolved to exact vengeance and assert their dignity in the eyes of the populace. This they did most effectually, according to the ideas of the age. The diabolical malice of their proceedings would exceed all belief, were they not related by a European eye-witness. Not satisfied with crushing their armed opponents, the Sikh horsemen careered hither and thither, attacking naked Nágás and half-insane Bairagies innocent of all offence; in fact, riding down *fauqers* of every denomination indiscriminately. The terrified crowd scattered in all directions. Many escaped to the hills overlooking the sacred town, others rushed blindly into the river, whither their inveterate pursuers followed them, and it is scarcely an exaggeration to say that the ghâts ran with blood. Some five hundred were put to the sword. It is impossible to

* The cesses imposed upon the pockets; probably, when they held pilgrims at one time went into their Joulapore in *jaedúd*.

surmise how many more might have perished, but for a providential accident. Two English officers, Captain Hardwicke and Captain Murray, were fortunately encamped near Unjunee Ghât (in the Bijnour district) opposite Hurdwâr. Their escort was composed of a few sepoys and the greater part of a battalion belonging to the Vizier Asuf-u'-Dowlah. They also had with them two six-pounders, auxiliaries most useful in the emergency, for Captain Murray, bringing them to bear upon the ghât towards which most of the people directed their flight, sent over a party to check the pursuit. The sight of these preparations cooled the ardour of the Sikh troopers, who reined in their horses and retreated. As the Gosains were all on foot and scantily supplied with fire-arms, the *sirdárs* only lost twenty men in this affair, and their lives were profitably invested, since the plunder secured was considerable. Although the Sikhs treated none but *fajeers* with positive violence, they *looted* all the pilgrims they came across with perfect impartiality.

All the fugitives that could be taken over, were ferried across the river to the Englishmen's camp during the night. The rest, a large crowd, were left huddled together on the right bank of the Ganges, in fear and trembling, naturally apprehensive of a fresh attack. Nor were those on the opposite side free from uneasiness. A report had spread that the chiefs intended to ford the river lower down and intercept the stream of pilgrims wending their way homewards through Rohilkhund. The rumour luckily turned out to be false. The *sirdárs* marched away early next morning, having apparently other work in hand. Certain indications tend to show that their extraordinary conduct was the result of calculation rather than a spontaneous outburst. In all probability, their atrocious act was not so much a thoughtless violation of the laws of humanity as a deliberate challenge to the Mahratta Government, and the massacre of 1796 may give a clue to the true origin of George Thomas's next expedition in this direction.

Rebellion of 1796-97.—The commandant of Shámlee had been intriguing with his countrymen on the part of his master Goordut Singh and stirring up a rebellion of which the massacre at Hurdwâr seems to have been the first fruits. But his plans failed utterly. The energetic guardian of the western frontier marched at the call of Bapoo Scindhia—himself employed farther north—met the traitor outside the town, drove him inside the walls, and took the place by storm the same evening. No quarter was given. The leader of the insurgents, his son, and all of the garrison who neglected to seek safety in flight, perished.

Thomas next hurried to the assistance of the Mahratta Governor, who had sat down before Luknaotee, where Behrmund Allee Khán,

chief of the Turkmans, defied all his efforts to capture the place, until intelligence of the fall of Shámlee opened the road to negotiation. The Turkman proposed an amicable arrangement, and Bapoo was glad to come to terms, which left him free to act against the Sikhs, on whose co-operation Belirmund Alee Khán had counted. His defection, following so soon upon Thomas's rapid successes, dissolved the confederacy, and the insurrection had hardly commenced when it was quelled.

Insurrection of 1799.—We next hear of the Sikhs as mercenaries in the army of Lálá Shimboonáth Mahajun, the first tihseeldár of Saharanpore under our own Government, Dewán of Imám Buksh Khán, another Maharatta Governor of that district, who espoused the cause of Lukwá Dádá during "the war of the Byes."* They played a very subordinate part on this occasion, although the sequel tends to show that they had more ambitious objects in view than appear on the face of the events recorded. After some partial successes, the insurgents succumbed to Perron's trained forces at Khátowlee in Mozuffernugger (1799), and the bellicose Buneea placed himself under the protection of Bhág Singh of Jheend, until a change of masters enabled him to enter upon more pacific pursuits.

The presence of allies apparently so uncongenial in Shimboonáth's forces clearly pointed to some project more serious than the fomentation of a mere local rising, and Perron considered it necessary to attend to the affairs of the frontier in person. Having disposed of Shimboonáth, he visited Kurnaul (1st January 1800), and there summoned the chiefs to a conference. Sahib Singh of Putiálá, Bhunga Singh of Thanesur, Gurdut Singh of Ladwáh, Bhaee Lál Singh of Kaithul and Bhág Singh of Jheend, the representatives of the leading clans, declined to appear, and, assembling at Putiálá, threatened hostilities. The Frenchmen, being weak in cavalry, the arm in which the enemy were strongest, had to repair this deficiency before venturing to take the field, but Gulshere Khán, Nuwáb of Kunjpoorah, with other men of note, coming to his assistance in the hour of need, he was thus enabled to lead 10,000 horse to Thanesur by the 20th February. On the 10th March the refractory *sirdárs*, deeming prudence the better part of valour, submitted. A treaty of peace was concluded, and the confederacy collapsed. Among the celebrities who took part in this memorable expedition, were the well-known James Skinner and the more notorious Begum Sumroo, one of whose regiments was cantoned at Chilkana about the same time.

Perron's vigorous policy effectually curbed the Sikhs during

* *Memoirs of George Thomas*, p. 189. *sq.* *Skinner's Memoirs*, vol. i, p. 163, *sq.*

the remainder of his tenure of office, and the terms of the peace concluded in 1801 entailed the resumption of nearly all their *jageers*. The only fiefs belonging to them in the Doáb entered in the schedule attached to the treaty of Surjee Aujengaum* are Jhinjhanah, yielding a revenue of Rs. 36,554, and lands not specified, with an income of Rs. 57,968, appropriated to the use of Gurdut Singh and Bhág Singh respectively. Kandlah was transferred from the Ladwáh chief to the Hessings, and Shámlee, with a revenue of Rs. 38,000, to Sháh Nizám-u'-deen. Rae Singh and Shere Singh appear to have lost everything, a natural consequence of their escapade at Hurdwár, while Bhunga Singh's *jaedád* of Bidowlee, probably also Kairanah, passed into the hands of Perron himself, to whose personal *jageer* the Upper Doáb contributed about five lakhs of rupees.

The Conquest, 1803-4.—A very different system of government, more paternal, yet in some respects less suited to the genius of the people, was now impending. The opening of the present century brought Dowlut Rao Scindhia face to face with the British and, to cut a long story short, the defeat of a Sikh contingent under the command of Louis Bourquin, Perron's successor, near Delhi on the 11th September 1803, put Lord Lake in possession of the northern districts. A few days after, Colonel Burn, James Skinner's god-father,† occupied the town of Saharanpore, where the oldest cantonments north of Delhi were established. His advent, it is still believed, had been duly heralded by one of those demi-official earthquakes usual in the east on such momentous occasions.

Colonel Burn's position was one of peculiar difficulty. He found himself responsible for the protection of an extensive tract, the unsettled condition of which, coupled with its recent acquisition, seemed to render our tenure of the country most precarious, while the means at his disposal were very inadequate to the nature of the services required of him. The two years succeeding the conquest were rich in events. Within our own territory the more ignorant and daring scarcely took the trouble to disguise their disaffection; without, a cloud of Sikhs darkened the western border, threatening to pass the barrier of the Jumna at any moment. As their attitude was unmistakeably hostile, the commandant of Saharanpore pushed forward a battalion of Nujeels under Lieutenant Birch to watch the fords, until reinforcements came up from Delhi. His god-son, James Skinner, presently arrived with a body of irregular horse and, leaving Lieutenant Birch to occupy the enemy's attention, himself crossed over a few miles lower down in the early dawn. He effected a complete surprise, coming down upon the Sikhs before daybreak. In spite of an

* Treaties and Engagements, vol. iv., p. 227.

† Skinner's Memoirs vol. i., pp. 107-108.

immense numerical superiority, they were utterly routed, losing 500, it is alleged, out of 5,000 men, besides two *sirdárs*. Skinner's own loss is said not to have exceeded 100. His horse was shot under him during the action (February 1804.)

A month later, Shere Singh, Dulcha Singh, Gurdut Singh, and other minor chieftains, affecting, with their usual duplicity, a sincere desire for peace, sought an audience with Colonel Burn through Skinner's intervention, and tendered their submission. Afterwards, Bhae Lál Singh, Bhág Singh and Blungá Singh followed their example, and our Government, grateful, possibly, for these displays of loyalty, issued a proclamation on the 7th March, making cow-killing penal. A second, which followed on the 22nd of the same month, was much more to the point, pronouncing it treason to harbour or give countenance to any of the Sikh troopers in their marauding expeditions on this side of the Jumna. An emphatic official declaration on the subject was necessary, because many of the *zemindárs* had contracted a habit of speculating on the ventures of the freebooters. Nevertheless, the demeanour of the *sirdárs* was so conciliatory that, to all appearance, there was no longer any reason to apprehend danger from their machinations, and the Begum's regiment was withdrawn from Chilkana in June. But we were soon involved in complications which decided them upon throwing off the mask. Holkar's insolent bearing had dragged us into another war, and by the end of August the alarming news of Colonel Monson's disastrous retreat compelled Colonel Ochterlony to re-call Colonel Burn with the 2nd battalion of the 14th N. I. to Delhi, which he reached on the 5th September,* after so rapid a march that he left all his baggage in the hands of the disaffected peasantry who were rising in his rear. History has hardly done justice to his services during the defence of the city against Hurnáth, Holkár's adopted son, but it would be beyond my province to relate the particulars of the siege, which was raised on General Lake's approach about the middle of October. I must, instead, follow him back to Saharanpore whither he was summoned by the intelligence of the fifteenth Sikh invasion.

The fifteenth Sikh invasion, 1804.—The very day before Hurnáth's last unsuccessful assault upon Delhi, Shere Singh and Ráo Singh had again crossed the Jumna by Rajghát opposite Sultanpore-Chilkhanah (13th October). The remarkable coincidence between the former's swoop upon the metropolis and this incursion, would be strong circumstantial evidence of an understanding between Holkár and the Sikhs, even in the absence of other proof. Their intrigues were, however, notorious, and Shere Singh's late professions of friendship lay very light upon his

conscience. He considered himself quite justified in seizing so good an opportunity of vindicating his prescriptive rights, which, according to his code, had only fallen into temporary abeyance. Although Mr. Perron had resumed most of the Sikh *jágeers* and in a great measure checked the excesses of the *sirdárs*, he had utterly failed to abolish the custom of paying minor instalments of blackmail. In familiar language, he "winked at" the practice. And the Mahratta Government, whose own foundations were based upon a similar usage, did not much care whether their subjects paid illegitimate dues to others or not, so long as their own revenue was regularly forthcoming. In short, circumstances induced them to regard the transactions between the border chieftains and their weaker neighbours in the light of private affairs that merely affected the parties immediately concerned. Tradition, too, had given the Sikh claims a sort of semi-legal sanction in the popular opinion, so that, when the *sirdárs* temporised with Burn, far from feeling any moral obligation not to renew their demands, they felt deeply aggrieved, and promised obedience with an inward determination to recoup themselves at the earliest opportunity. Nay, the new *régime*, it must be allowed, introduced a system as little comprehensible to those who were gainers by it, as to those who were losers, and while the Sikh claims were being repudiated by beat of tom-tom throughout the province, the most peaceful agriculturists listened, we may be sure, to the ominous sound with no less anxiety than the proclaimed outlaws. A hostile population rose in Colonel Burn's tract as he retired towards Delhi, and the instant that his meagre forces seemed to be hemmed in by Hurnáth's host without a chance of escape, the chief of Booreea, who took the lead of his uncle in the enterprise, having, we may presume, made his own terms with the Mahrattas, resolved to dash once more into the promised land of the Doáb and secure a part, at least, of the debts long outstanding in his very elastic accounts against the citizens of Saharanpore. Deobund was also in arrears. The inhabitants of all the larger towns, in fact, were defaulters, if not to him, at all events to Ráe Singh, whose sword was growing rusty in its sheath. And after all, if they did not fleece the people, the greedy *omlá* certainly would, for a new settlement was then on its trial under a very imperfectly organized administration. Of a truth a day was not far distant when the *kulmdan* of the wily *Kayuth* crawling to kutcherry on his stunted tattoo would weigh more in the balance than the lance of the stoutest free-booter careering along on his charger. Still, a few blows might yet be struck with profit. So, in an evil hour, Shere Singh was tempted to cross the Jumna for the last time.

At the outset fortune appeared to smile upon the enterprise,

and the Sikhs advanced to the very gates of Saharanpore without encountering any opposition worth speaking of. A skirmish is said to have taken place at Doonjherah, and the Seyuds of Chilkana^{*} are supposed to have made some resistance, under old Nuwázish Allee, a man with good fighting stuff in him. If so, his vain efforts can only have added zest to the sack of the place. In Sultanpore, so the story goes, one house alone escaped, that of the wealthy Suraojee, Lálá Koorah Mull, who had officiated as "tuhseeldar" to the Booreea and Jugadree chiefs at the period when they held fiefs in the district. He was, in consequence, suspected of treason, though afterwards honourably acquitted. Mr. Guthrie, the first Collector, now found himself in a very disagreeable predicament. Flight was impossible owing to the disturbed state of the country, and to stand his ground seemed certain death, as his forces consisted of little more than some newly enlisted *burkundázes*. Yet with these, strange to say, the *kotwál* of the city was fool-hardy enough to meet the enemy's vanguard in the suburbs, near the Raewálá *jheel* (a local nuisance since filled up in the progress of sanitary improvements,) on the road to Sultanpore, and forfeited his life by his loyalty. Invidious fame has not preserved his name. The Collector, on the other hand, a more prudent man, sought refuge in the *killa Ahmedábádee* (a monument of Gholám Kádir's administration, subsequently converted into a jail), taking with him the treasure and official records, and made preparations to stand a siege as best he might. The more loyal citizens betook themselves, as in the days of yore, some to Gurhee Mulook Alee, a small fort situated behind the public gardens then called the Furhut Buksh, others to Gurhee Hissám-u'-deen on the opposite side of the Dumola, a stream running through the town, which was, in the meantime, pillaged and in places fired, together with the old cantonments, while Mr. Guthrie anxiously watched the progress of events from the walls of the *killah*, where we may leave him for the present and return to accompany Colonel Burn in his march back from Delhi.

He set out † on the 25th October with the 2nd battalion of the 14th N. I., one irregular battalion under the command of Captain Harriott, a gentleman formerly in the Mahratta service, and six guns (one 18-pounder, one 12-pounder, and four 6-pounders), and was pressing on rapidly towards Saharanpore,

* Chilkana^{*} and Sultanpore are *two* conterminous towns, though ordinarily spoken of as one. Seyud Nunázish Allee's impoverished descendants inhabit the former; the principal family in the latter are the prosperous

connections of the Lálá Kooreh Mull mentioned in the text. They are of course, at daggers drawn.

† E. I. M. Calendar, vol. ii., p. 502, *sq.* Skinner's Memoirs, vol. ii., p. 54, *sq.*

when the Mahratta cavalry overtook him three days after, near Kandláh. Juswunt Ráo Holkár had given the Commander-in-Chief the slip, and, leaving Delhi in the rear, doubled into the Doáb, with the intention of cutting off the small force hastening to Mr. Guthrie's succour. After a vain attempt to cut his way through the enemy, whose swarms were hourly increasing, Colonel Burn found himself constrained on the morning of the 30th to occupy a small mud fort under the very walls of Shámlee, a hostile town, which closed its gates against him. The villagers all know the spot well. It was afterwards distinguished by one of the most gallant fights, and one of the most cold-blooded massacres, that ever happened during the mutiny. His situation was, to all appearance, desperate. The detachment amounted to barely 1,500 men; the force beleaguering it, to fully 20,000, without counting a reinforcement of Sikhs, and the townspeople showed the same spirit that characterised their conduct in later days, not only intercepting supplies and harbouring the enemy within their walls, but themselves taking an active part in the assault. Their matchlockmen, sheltered by the ramparts, kept up such a deadly fire upon our sepoys in the fort beneath, that they actually did greater execution than Holkár's regulars, putting upwards of one hundred men *hors de combat*, before Colonel Burn was relieved by General Lake on the 3rd November. In the interval, the garrison fought with devoted bravery, amid cruel privations. The same cannot be said of the Mahratta host, who vanished at the sight of the dust rising along the Delhi road in advance of the British column. The episode curiously illustrates the force of hereditary predisposition. Ghásce Kám,* the leading Ját zemindar of the place, was chiefly instrumental in stopping Colonel Burn's supplies and otherwise annoying his forces. His son, Mohur Singh, following in the paternal footsteps, was consequently hanged on account of similar achievements during the year 1857. The Commander-in-Chief permitted his troops to burn the town as a punitive measure. This, we are told,† had a most wholesome effect in other quarters. For instance, at Thannah Bháwun some twelve miles north, ordinarily a hot-bed of disloyalty, Holkár, whose first impulse seems to have been to effect a junction with the Sikhs in Saharanpore, met with such an unfriendly reception that he changed his mind and doubled back again in a south-easterly direction. Meerut was equally inhospitable, so he continued his flight southward.

Colonel Burn, learning at Shámlee that one of the Begum

* He had also been mixed up with the disturbances quelled by Thomas some years before. *v. Suprá.*
 † Thorne's War in India, p. 384.

Sumroo's regiments had rescued Mr. Guthrie, who joined the army at Khatowlee, accompanied the Commander-in-Chief during the pursuit as far as Meerut. The circumstances of the Collector's escape are somewhat mysterious. It is nowhere recorded how he was extricated from his difficulties, whether by diplomacy or by actual force; most probably, by diplomacy, since one solitary regiment, it is obvious, could not possibly have coped with the Sikhs; and the Begum, whose loyalty at this juncture was more than doubtful, cannot have been anxious to embroil herself with them prematurely. Strange to say, tradition itself is silent on the subject, and it is remarkable that, although Shere Singh consented to dispense with the Collector's person, he was careful to burn all the records left in the fort. Clearly, for some reason best known to himself, he valued the former less than the latter. He was now complete master of the whole country beyond Thannah Bháwun and Deobund, and could afford some cheap generosity. Mr. Guthrie having thus got out of danger, Colonel Burn's instructions did not permit him to abandon Meerut—a more important strategic point than Saharanpore—until Holkár had been disposed of. But on receiving the official announcement of General Fraser's victory over the Mahrattas at Deeg (13th November), he wisely determined to act on his own responsibility (17th), instead of passively awaiting further orders, for the invaders had already penetrated to Shámlee and Ghuforgurh near Shikarpore (*pergunnah* Shoron, *zillah* Mozuffernuggur), and taking into consideration the uncertain disposition of the people generally, he, with sound judgment, deemed it more prudent to make head against them boldly than stand on the defensive.

On the 18th November he and Mr. Guthrie, therefore, marched out of Meerut with the 2nd battalion of the 14th N. I., the 1st battalion of the 21st N. I. under the command of Captain Atkins, one battalion of irregular infantry, 2,000 Buhraich horse under Captain Murray* and a few guns. In two days they reached Jowlah, a village near Boorhanah, a town situated right in the middle of the Begum Sumroo's *jágeer*. That remarkable woman, however, having "squared" General Lake by surrendering Mr. Guthrie, carefully refrained from compromising herself by joining in the operations against the Sikhs, and remained neutral. Colonel Burn detached all his cavalry from Boorhanah in the hope of surprising the enemy at Ghuforgurh, but they, being well informed of his movements, baffled the manœuvre by decamping with their usual celerity. He

* These, apparently, belonged to some of Perron's *jágeerdárs* of the same stock as the Nuwáb of Jujhur who rebelled in the mutiny, and, it

will be seen, were not remarkable for their loyalty. They were supported by *jaedáds* in Mozuffernugger, Saharanpore, &c.

consequently continued his progress to Thannah Bháwun, which had opened its gates to Goordut Singh. The Ládwáh chief retired, and uniting his forces with those of Shere Singh and Ráe Singh, encamped at Churaon on the right bank of the Hindun, seven miles west of Deobund, in the heart of the Khátah, a wild tract inhabited by Ranghurs. The *sirdárs* displayed considerable judgment in their choice of a position. The turbulent population of the neighbourhood, having nothing to lose and everything to gain by anarchy, had always hailed the approach of the Sikhs with delight, from the earliest times. They had distinguished themselves during Bunda's celebrated irruption almost as much as the "Nánukpurust" Goojurs, and still lived by plunder. Again, in the event of a defeat, retreat would not be difficult, for paths little known to the English commanders led to the Jumna, which was not far distant; if victorious, the enemy, being within easy reach of some of the most flourishing towns in the province, might withdraw to the Punjáb laden with plunder, long before succour could arrive.*

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(To be continued.)

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ART. IV.—OUR HABITUAL CRIMINALS, AND WHAT TO DO WITH THEM.

THE inmates of criminal prisons may be naturally divided into two broad, and, as a rule, clearly defined classes;—those who have committed crime under circumstances of special temptation or urged on by sudden impulse, and those who break the laws systematically. The former constitute the great majority, the latter a minority varying from 5 to 40 per cent. : the former are not likely to repeat their offence, the latter are almost certain to do so. To the one class we shall give for convenience sake the name of “casual criminals”; the members of the other have by common consent been designated in the literature of crime “habitual criminals.” The purpose of this paper is to show the extent to which this latter class exists in India, to describe the evils of which it is directly and indirectly the cause, to examine the machinery for its suppression now in force, and the degree to which that machinery is successful, and, finally, to suggest a method for its more effectual removal from the catalogue of social nuisances. To suppose that the views advanced will meet with anything like universal approval would be to betray a lamentable ignorance of prison ethics as commonly understood; to suppose even that they will find favour with a fair proportion of readers would be presumption; but it is hoped that some few who have had practical experience of professional thieves and law-breakers will find them not unworthy their serious attention.

It is evident that the habitual criminal proper is of town manufacture. In the villages of the provinces, where everybody knows everybody else, and where the advent of every stranger forms subject for general remark, the professional thief finds no scope for his abilities. True, he may honour one or two cottages with a visit in the absence of their owners, but the news of a robbery is known from one end of the village to the other in half an hour; the little society is at once in a turmoil of excitement and watchfulness, and till this dies out any fresh “operation” would be hazardous in the extreme. The thief must either remain for some time in unprofitable idleness, or must betake himself forthwith to fresh fields and pastures new. It is not forgotten that wandering tribes of professional thieves form a distinct feature in the social system of India; but these classes have nothing in common with the habitual criminal as usually understood. For him the country offers so poor a field that he can scarcely earn his bare subsistence in it, and a bare subsistence is not precisely the end which an habitual criminal proposes to himself. In a large

town no such difficulties meet the adventurous spirit. In the busy haunts of men, where the requirements of civilization are constantly calling into play a mass of unskilled labour which cometh no man knows whence and goeth no man cares whither, where poor humanity lies huddled together in wretched lanes and still more wretched hovels under the shadow of great marts and factories, where immunity from detection in crime is half-guaranteed by the difficulty of determining which out of a thousand known thieves is the offender in any given instance—this is where the habitual criminal finds his natural home.* In India, where so much business of all kinds is transacted in the open air, and where neither the doors nor the walls of the poorer classes offer any appreciable obstacle to a little ingenuity or a little perseverance, opportunities for petty theft are exceptionally numerous. The customs of the country, moreover, are favourable to the knights of the moon. With the thermometer in the nineties it is natural that the occupant of a tiny hovel, innocent of ventilation, should prefer sleeping on the stone or mud bench outside the door to sweltering inside, and his cloths and turban being thus exposed to public gaze appeal with irresistible fascination to the strolling vagabond, who has but to snatch them up and run off, with but very little chance of detection; unless, indeed, he be inexperienced enough not to have first ascertained in which direction the beat constable is at the time. It would not be difficult to multiply instances in support of the opinion that a large Indian town is peculiarly favourable to the pursuit of thieving, but it is needless to do so, as a glance at the returns of London and Madras will convince the most incredulous.

To turn from generalization to hard facts, it had been our intention to point out the present state of the habitual criminal population in the three Presidency towns. Unfortunately, a dissimilarity in the method of framing statistics renders this impossible, but the necessity for drawing conclusions from Madras alone is no real drawback. There appears no reason why the southern capital should be much better or worse off in this respect than her western and northern sisters, but should she be so situated, the conclusions must be modified accordingly. The difference, of difference there be, should tell against Bombay and Calcutta, for they are far more wealthy and do far more trade. We shall be satisfied, however, to work on the experience of Madras alone.

In the town of Madras during the year 1873 there were 2,104 cases of offences against property reported, in 1,003 of which detection followed. The number of persons convicted in these

* If mathematical demonstration of this self-evident fact be desired, it can be found in any gaol returns. The percentage of re-convictions; in the country districts is always far less than in towns.

cases was 1,200. The population of the town (1871) is in round numbers 400,000. In London during the year 1872 there were about 11,760 cases of offences against property reported, but the number in which detection followed is not given in the returns. The number of persons convicted in so many of these cases as were detected, was 1,950. The population of the town in 1871 was, in round numbers, 3,250,000. In Paris there were, during the year 1868, about 8,750 cases reported of offences against property, the population being about 1,700,000.

Thus Madras, with a population just one-eighth that of London, reports more than one-sixth as many offences against property, and more than half as many persons are convicted for those offences. In other words, supposing the populations of the two towns to be equal, Madras would show one-third more thefts, robberies, burglaries, &c., than London, *and would send five thieves to prison for every one convicted in London.* This is startling, but the Madras-ees may have the satisfaction of seeing that their percentage of detection is much better than in London; for here 1,200 persons were convicted in 2,104 cases, just four to every seven, while in London 1,950 were convicted in 11,760, or one only in six.* Paris and Madras show about the same proportion of offences reported, but no details of detection in the former city are at hand.

Let us look now at the subject from another point of view. The number of persons in Madras at the end of 1873 who had been convicted twice and oftener of offences against property, and who may fairly be considered habitual criminals, was—males 701, females 35. This includes those in gaol. Leaving the females out, the following table shows the details of this little band.

1	man had	...	...	16	convictions
3	" "	...	...	15	"
3	" "	...	...	14	"
1	" "	...	...	13	"
6	" "	...	...	12	"
7	" "	...	...	11	"
13	" "	...	...	10	"
11	" "	...	...	9	"
27	" "	...	...	8	"
28	" "	...	...	7	"
47	" "	...	...	6	"
62	" "	...	...	5	"
85	" "	...	...	4	"
148	" "	...	...	3	"
261	" "	...	...	2	"

* It is not pretended that absolute reliance can be placed on these figures. But the disbelief in statistics which, not unnaturally, possesses many minds can be carried too far. Errors in statistics arise from one of

Now it must be remembered that, good though the percentage of detection may be, many cases do still defy the police, and consequently many rogues commit crimes which are never brought home to them: moreover, that undetected cases are usually the handiwork of habitual criminals, who by long practice succeed in throwing dust in the eyes of their pursuers. The deduction is that the offenders comprised in the above list ought really to have been convicted much more frequently than they actually were, and this deduction is indisputable.

Still another method of gauging the evil is to be found in testing gaol returns. Taking the Madras criminal prison, and leaving out of account all classes other than natives convicted in the town of offences committed in the town, the percentage of re-convictions for 1873 amounts to no less than 34 per cent.—*i.e.*, one man out of every three who comes to gaol has tasted the sweets of prison-life before. This calculation includes all offences; were only those against property reckoned, it is probable that the percentage would be very much larger.

Bad as is the state of affairs disclosed by these figures, they do not show the full extent of the evil inflicted on the public. No one who has had the opportunity of observing the working of a Presidency Police Court can have failed to be struck by the fact that if many offences are reported many more are not reported. That this unreported number approaches to anything near the tale of those brought to light is, it is true, an untenable proposition; but it is certainly not inconsiderable. Probably serious cases are always reported, and those kept quiet have done but little material damage to the victim; nevertheless their perpetration is so far important that they help the habitual criminal to exist. The theft may be small, but the proceeds arising therefrom serve to fill the larder for a day or two, and thus tend to assist the profession. It is not, indeed, matter for surprise that the sufferer should in petty cases elect to pocket his wrong and remain silent, rather than undergo the inconvenience of bringing the matter forward. The numerous steps involved in prosecuting a criminal charge are harassing in the extreme. Attending at the police station to explain the circumstances of the loss—attending again to say that a certain apprehended member of the profession does not resemble the culprit—attending a third day to say that another apprehended innocent does resemble him—attending at police offices while the case is being worked up—attending at the Magis-

two causes. Sometimes the forms are wrong in principle; sometimes, though right in principle, they are incorrectly worked out. The first is either wilful, or else the result of in-

competency in the framer; the last cannot always be avoided. The first renders statistics worse than useless; the last simply diminishes their value.

trate's Court when the trial comes on, and, may be, if the accused is a bad specimen of the criminal fraternity and is committed to the Sessions, attending at the High Court afterwards—all this, with the chance that after all there may not be a conviction, deters many a one from ventilating his woes. The man who will devote days and weeks to the courts, who will spend the earnings of one year in stamps and of other three in vakeels, for the purpose of ruining his private enemy in a civil suit, will not leave his shop for a few days in order to bring a public enemy to justice. This is all very natural, but it is bad for the cause of order.

This is the state of affairs now, but there is strong reason for fearing that it will grow worse. It is very doubtful whether an *hereditary* criminal class exists in the town of Madras as yet. Of course there are instances of father and son, of elder and younger brother, appearing in the police and prison records, but they are not, so far as we can ascertain, of frequent occurrence. Nor does it appear that any particular caste furnishes these ornaments to society. Indeed, the characteristic of the habitual at present is that he represents all trades and classes. Petty shopkeepers, boatmen, porters and cart-drivers, appear to furnish a strong contingent, but they do not fill up more than a portion of the list. Thieving appears to be rather the choice of individuals than the almost enforced occupation of families. There can be no question, however, but that such an hereditary class is growing up, and will soon gather head. Large towns are not only the resorts of habitual thieves—they are their rearing houses also. That the sun breeds maggots in a dead dog is no more true than that wealth and its surroundings breed human parasites. The few who commence stealing as a trade gradually contaminate their friends, and so a fraternity is established; but in the first generation not much harm is done, comparatively, that is. It is when the children of these thieves grow up that the evil begins to make itself really felt. One can hardly expect a man who makes his living by stealing to instil any very high notions of morality into his son; and when the child grows up in an atmosphere of idleness and vice, neither learning a trade himself nor seeing others practise one, it is all but inevitable that he should become a thief also. Thus the poison gradually eats its way through the lower strata of society. Another fact that raises a doubt as to the existence of the thoroughly trained professional is the freedom from loss enjoyed by the European community. When we consider that the most ordinary houses inhabited by the English gentry stand away from the road in enclosures to which an average suburban garden at home is little more than a potato patch, while those of the wealthier are isolated in veritable parks, the wonder is that thefts do not take place

daily. To keep an eye on buildings so far distant from each other and so remote from the road is an impossible task for the most zealous constable; and if a thief can defy scrutiny from without, he can also laugh at detection from within. Even when the master and mistress are at home, a little care and ingenuity would enable the expert to walk off well-laden with spoil; but when they are out, all difficulties vanish. The habit servants have of disappearing from the scene the moment their employers drive out of the gate is notorious, and it is then that a knot of two or three graduates in theft can strip the house of its portable valuables. It seems impossible that any but self-taught tyros are in the neighbourhood when such opportunities are daily neglected. But perhaps the strongest reason for supposing that an hereditary class has not yet developed, lies in the absence of those signs by which the habitual criminal son of habitual criminal parents is commonly recognized. That symptoms of mental and physical degradation are in such cases almost inevitable has long been admitted. Nor is this to be wondered at. The professional thief is not only idle during his 'intervals of business' but that idleness is commonly spent in the house, since the nature of his occupation renders all unnecessary appearance in public unadvisable. It will be easily understood that polite literature and the fine arts engage but a small share of his attention, the bulk of which is devoted to the charms of Bacchus and Venus—to which last deity, by the way, he not seldom owes detection and capture. Such companionship under such circumstances naturally sets its mark upon his children. Now we have carefully studied a large number of Madras habitual criminals, and have come to the conclusion that neither mentally nor physically are they inferior to other men of their own rank in life. Incorrigibly idle they certainly are, but that can scarcely count as degradation; and they are not deficient in intelligence or perception of right and wrong. Here and there an emaciated body tells a tale of premature decay—but the instances are rare; on the other hand some of the most confirmed scoundrels have fine robust frames and open, not unintelligent, faces. From this we infer that, however bad they may be, evolution has not much to say to their condition.

Having attempted to show that the habitual criminal is a grave fact, and that he is likely to assume an aspect still more grave as years roll on, the question naturally arises—"What is to be done to remove the nuisance?" Obviously one remedy consists in an improved police, but with that, as with another equally evident if more impracticable—an improvement in the organization of society, we have nothing to do. The scope of these remarks is confined strictly to the treatment of the habitual criminal after he has fallen into the hands of justice, *i.e.*, after he has become a

prisoner. Narrowing the question within these limits it receives two answers, each of which consists in a single word, each of which is the watchword of a party. "How shall the prisoner be treated so that he may be induced to relinquish a life of crime and live honestly after his release?" These answer "Reform"; those reply "Deter." The reformatory and the deterrent principles have each their strong body of advocates, and if the former can marshal a greater number of partizans, the latter can, probably, lay claim to a larger proportion of practical minds. Of course the end aimed at by both is the same—the *reform* of the prisoner; but "reformation" has come to acquire a technical meaning, that of changing the whole nature by kindness and education, while "detering" is simply another way of expressing the agency of fear. In general, however, neither side restricts itself to its special machinery; the reformers have recourse to a little severity on fitting occasion, while the deterrers are not insensible to the fact that sometimes leading is better than driving. Needless to say that all systems of prison management lie between the two extremes. In India we incline sometimes to one and sometimes to the other, according to the views of the powers that rule for the time being. In the present day the military prison is, probably, the best example of the ultra-deterrent school, while in America may be found some remarkable cases of the reformatory fever. To show how far philanthropists can go when once they become possessed of the idea that moral persuasion alone is sufficient to induce a criminal to forsake his evil courses, we quote the following passage from a paper read not long since at an American prison congress:—

"And now let us retrace our steps, and cast a brief glance, retrospectively, at our subject. We will picture to ourselves a neat, plain edifice, built on a dry soil, somewhat elevated, having the means of perfect drainage, and an abundant supply of pure water, pure air, and heaven's cheerful healthful sunlight. Our prison is furnished with all needful appliances for thorough reformatory work. Our arrangements are complete for classification, labor, discipline, rewards, promotions, trades, chapel, school and lecture rooms, and library, stocked with books, both useful and entertaining. Our board of managers is selected from the best men of the State, whose views are large, and whose heart is thoroughly in the work. Our warden is a man of experience, integrity, humanity, judgment and firmness. Our clerk is sober, honest and capable. Our medical officer is kind, gentle, attentive and skilful. Our chaplain is a man of deep-toned piety and apt to teach, with his whole being absorbed in his work. The corps of assistants is composed of men carefully selected, thoroughly trained, and intelligently and faith

fully devoted to their work; and last, though not least, our schoolmaster is one of those large-hearted, patient, unselfish, sympathetic men, whom it is hard to find; but we have found him. Our whole band of officers work so harmoniously together for the reformation of the prisoners, that the most ignorant and degraded feel that they have their best welfare at heart. The prisoners share in their earnings. Each is taught some useful trade or business. They are allowed some liberty in their choice of employment, &c., &c."

It were discourteous to laugh at a gentleman so much in earnest, but one cannot help remarking that two or three such prisons would denude any ordinary country of its leading men. Enthusiasts are proverbially selfish, however, and we make no doubt that were the author of the lines quoted an Englishman, he would view with complacency a gaol staff in which such names as Disraeli, Gladstone and Derby should figure on the board of direction, with the head masters of Eton and Harrow assisted by Mr. Wren to conduct the educational department, while a Pusey should vie with a Spurgeon in instilling Christian principles into the convicts, Mr. Haweis being called upon to aid and advise in the case of a subject possessed of more than ordinarily liberal views. Whatever might be the results of such a reformatory, they would scarcely compensate for the expenditure involved in attaining them.

If must be confessed that, admirable though their intentions undoubtedly are, the advocates, both of reformation and deterring, make one great mistake. However good their plans may be, however sound their ideas, those plans and those ideas are conjured up to meet an artificial difficulty. Writers on prison matters seem always to forget that in prescribing for a mixed convict population—that is, for a population consisting of casual criminals and habitual criminals—they are combating the impossible. As well attempt to devise a military system which should apply equally to the British soldier and the sepoy, as well try to invent a railway carriage suitable alike for conveying business-men between the suburbs and the city, and for the traffic across the American Continent. The casual criminal and the habitual criminal have next to nothing in common. The one is to a great extent the creature of circumstances; it is the business of the other to make circumstances his creatures. No prison system, however perfect, will ever stop casual crime, for casual crime is the result of a man who is not proof against temptation finding himself beset by unfamiliar and unpleasant conditions from which there is no legitimate means of escape. Diminish the frequency with which such conditions can recur and the tale of victims will lessen, but it will never be entirely wiped out. The

nearer society approaches an ideal state, the fewer will casual crimes be, but there is no chance of their ever disappearing altogether. On the other hand habitual crime is the child of no exceptional circumstances. It is the consequence of a depraved and idle nature rebelling against the decree, that man shall live by the sweat of his brow. It is the deliberate recourse of those who, being able to work, refuse to work. It is evident then that each of these two classes requires a different mode of treatment,—that each must be considered separately. Is the subject a casual or an habitual—an amateur or a professional? Confining ourselves strictly to the latter, which of the two principles is correct—reformation or deterring?

First, then—Can the habitual criminal be reformed? The melancholy answer must be given in all its nakedness; he cannot. Indeed, the answer is almost evident, for by hypothesis the man has been in prisons and subjected to reformatory influences already, and it is hardly reasonable to suppose that means which failed to convince him when he had not yet fairly quitted the ranks of the respectable should have effect now that he has thrown in his lot altogether with the vicious. But, lest it should be thought that this broad disbelief in reformatory influence on habitual criminals is unwarranted, let the records of reformatory agencies be examined. What do we find? Juvenile delinquents are sometimes, nay often, made to give up their evil ways, casual criminals are sometimes induced to go and sin no more—and, without enquiring too closely into some of the means by which these ends are attained, we are ready to acknowledge that with these classes reformatories are capable of good—but where are the cases to be found in which habitual criminals have become honest, *unless they have first been put into positions above their natural station in life*? Where is the professional thief who has abjured picking and stealing without having first been foisted into a berth far more comfortable than that to which his abilities and opportunities would have brought him had he remained honest? This is a most important reservation, for on it hinges the right of reformation to be called reformation. The most zealous but, alas! most short-sighted gentlemen who preach the reformation doctrine, appear invariably to ignore the fact that for an ex-convict who has been placed in a far better position than that at which he would naturally have arrived, to remain honest is no proof of a changed nature; it is simply a proof that the bribe is sufficient. This is a hard saying, but who will gainsay it? If reformation is to consist in lodging a man in a fine house for two or three years rent-free, in keeping him well fed and well looked after, in giving him a liberal education, both industrial and theoretical, and in seeing him well started in life on the conclusion

of his visit, all free of cost—if this be reformation, why should the boon be confined to the law-breakers? For heaven's sake let us all go and be reformed at once, and live happily ever afterwards.

Dreamers evolve theories in all honesty, but the touch of a practical finger shivers them like glass. They see a man go into prison destitute of any kind of skill, and just able, by sheer sweat of the brow, to earn a precarious livelihood as a porter—they see the same man come out of prison sleek and healthy, a skilled mechanic able at but little personal exertion to earn good wages—they see that he does not relapse into crime, and, good folks! they hold up their hands crying, "Lo, a marvel!" The marvel rather is that he should ever act otherwise. Out upon such reformation! Let us have experience of a man who on emerging from prison has had once more to fight the old fight for daily bread, and who fights it honourably, and then, but not till then, will we acknowledge reformation. All cases of artificial assistance must be remorselessly erased from the list of successes, for they are shams and delusions. Of reformation properly so-called, no instance is to our knowledge recorded, nor do we believe that any such can be adduced, while even the satire on the name just described is far from common.

If, then, reformation be impossible in the case of habitual criminals, let the alternative be considered. Can they be deterred by severity from following their calling? The *suaviter in modo* failing, will the *fortiter in re* prove more efficacious? Declining to change his mode of life for the benefit of the world at large, can the professional thief be made to see that he had better do so for his own? The effort is worth a trial. The habitual criminal—it is worth repeating so that no misunderstanding may be possible—is one who deliberately chooses between honesty with the bare necessities of life, and dishonesty with its luxuries. He knows that to work and keep the laws is to be at peace with his neighbour, yet he elects to steal and be a social Ishmael. The story goes that a late nobleman, a victim to the aristocratic ailment, was recommended to drink Cape Port on the ground that perfect immunity from his complaint would thereby be secured; the answer was, "I have tried them both, and I prefer the gout." Just so, society says to the thief, "Lead a moderately laborious life, do not touch other people's property and we promise that you shall not be sent to prison." But the terms are refused. The rogue has tried them both and "prefers the gout." The obvious inference is that the twinges have not been sharp enough. It is just a question of degree. So long as prison life presents to the criminal fewer unpleasant features than an existence of laborious thrift, so long will professional

thieves continue to burthen society ; reverse the conditions and some, at least, will mend their ways. Fortunately, the field for improvement in this direction is large, for there is scarcely a phase of gaol management as at present understood which cannot be made more irksome.

We have purposely abstained from commenting upon the Indian prison system, but there is one point in it which must of necessity be noticed here. That point is the absence of isolation. Now, though association by day and night may possibly be defensible in the case of casual criminals, there is not one single argument in its favour when applied to habitual criminals. To herd together scores of scoundrels who have long been companions in crime, affording them countless opportunities for reviving old schemes and organizing fresh projects, giving them, moreover, the greatest possible facilities for contaminating casual criminals, who would otherwise have at least a chance of quitting prison not much worse than when they entered it—this is surely the strangest idea. Our more immediate charge, however, is that this association makes prison life so pleasant to the prisoner that he does not care how often he returns to it. On release he does not for a moment entertain the notion of purging and living cleanly, for he has nothing to fear should detection follow on his misdeeds. The percentage of re-convictions already quoted is sufficient evidence of this were evidence needed, but indeed the well-known conditions of ordinary prison life in India make it plain to the most casual observer. Good food and plenty of it, moderately hard work, rooms to sleep in, which, compared with his outside home, are very palaces, the best of care and attention when sick, rewards for the least extra industry and so forth,—surely these are elements which, when joined to congenial society, present themselves in a favourable light to the convicted man. The disagreeable feature—the chance of being flogged to which special reference will presently be made—is not necessarily a part of the punishment and therefore does not act as a deterrent. It is the *certain* conditions alone that are weighed by the offender, not those which may or may not obtain, and which hope whispers may be avoided. In fact the habitual criminal on being convicted leaves his wife and family, and takes up with bachelor-life in prison, in no unhappy frame of mind. Surrounded by boon companions, free from all household worries, his position is not unlike that of the *Sukhib* who, having seen his wife safely on board the homeward-bound steamer, enters upon a Club life among the associates of other days, not altogether indisposed to think the novelty agreeable. The essential feature, then, in an improved prison for habitual criminals should be isolation of the most complete kind.

The first step must necessarily be a modification in the law as

it at present stands. True that the Penal Code nowhere states explicitly that convicts are to live in association, but the fact that special provision is made under certain sections for solitary confinement implies distinctly enough that isolation is to be the exception, not the rule. An Habitual Criminals Act, laying down that any person convicted a third time of an offence against property is to be called an Habitual Criminal and dealt with accordingly, would clear the way in this direction. The course followed might then be somewhat as follows:—On the third conviction the prisoner should be formally declared an Habitual Criminal and sentenced to one year's rigorous imprisonment—neither more nor less. He should then, as a matter of course, undergo his sentence in the special prison. It scarcely comes within the scope of this article to describe in detail the internal economy of such a prison, but the main points may be glanced at.

The buildings should be at least one mile clear of the outskirts of the town, and should be on the side least likely to be extended. The surrounding wall to be twenty feet high, and to enclose no more land than should be found absolutely necessary. The form of the prison to be radial and to comprise six yards, separated by walls sixteen feet high, containing each one block of cells. The blocks to be two-storied. A central watch-tower to overlook the whole area enclosed. Each block of cells to be parallel to, and fifteen feet from, one of the walls of its yard the doors to face this wall, and the ends opposite the doors—i.e. the backs of the cells—to have a grating for ventilation near the top, but no windows or other openings through which that part of the yard lying behind the block could be seen. The cells downstairs to be seven feet by ten and nine feet high, those upstairs to be of the same area but only seven feet high. The cell to serve as the prisoner's workshop by day and dormitory by night. The occupants of each block to be divided for purposes of exercise into four parties; each party to have one and a half hour at brisk walking exercise daily. The exercise to be conducted in such a manner as to minimize the chances of communication. Each prisoner to wear a good mask at exercise, not the useless domino still extant in some English prisons, which can be tilted off and on in a moment, but a head-piece such as single-stick players wear, only made of non-transparent cloth, with holes for eyes, nostrils and mouth. Each prisoner to march at least ten paces from the man in front of him. No prisoner to leave his cell on any account or at any time except for exercise. Work to be severe, monotonous and measurable; these conditions strictly observed, the more profitable it could be made the better, but no consideration of profits to weigh for a moment against them. Should no other fitting labour be possible, the prisoner to be put on crank work.

Any prisoner requiring medical treatment to undergo it in his cell, and no prisoner to be removed from his cell under any circumstances, save only in the case of contagious disease, when he could be taken to the contagious-disease hospital of the ordinary criminal prison. Finally, the strictest silence to be maintained at all times, and in order to further this end the side walls of cells to project five feet beyond the front wall of block, so that prisoners in adjacent cells should not be able to converse. No native servants of any kind to be allowed inside the prison walls; menial offices to be performed by the prisoners next for release, no more than really necessary being employed on this duty. The staff to consist exclusively of Europeans, each of whom should be able to talk fluently at least one native language in common use. A thick prickly pear hedge to run round the main wall at a distance of fifty yards from it, and no one except prison officers to be allowed on the belt of land thus enclosed,—this, in order that nothing should ever be thrown over the wall, a common trick with the friends of prisoners.

This sketch is confessedly imperfect, but it will serve to indicate the principle we have in view. Sheer discomfort should be the motto of the institution. Every point in the system should tend towards one end—to make the prisoner weary of his existence, to make him regret that ever he entered those terrible halls of silence, to make him resolve that, come what come may, nothing shall ever induce him to run the risk of a second visit. Two objections present themselves. The one would have been urged pertinaciously a few years back, but may very probably not be considered valid now; the other is certain to be raised. The one is that solitary confinement affects the mind; the other is that such a system of unmitigated misery would be cruelly brutal.

As to the first, opinions have very much altered of late years, and experience seems to show with tolerable clearness that solitary confinement for one year is not injurious to the mind so long as the prisoner is kept at some occupation. One notorious experiment turned out most disastrously, but that coupled isolation and idleness; on the other hand solitary confinement with labour is in vogue in most countries at the present time. However, if one year be too long, nine, or even six, months might be substituted; but the term should be the same in all cases, so that the twice convicted criminal might know exactly what to expect on a repetition of his offence. It is the hope of getting off with a light sentence that interferes sadly with the deterrent element.

The second objection—that a system of such rigorous imprisonment would be cruel—is more serious, and, if sound, would perhaps prove fatal. We say perhaps, because it is a question

whether society has not a right to be defended from evil-doers at any price. It is by no means clear that any degree of punishment, provided it be the mildest that is found to answer the purpose, can be justly called excessive. Into this complicated problem it is not, however, necessary to enquire, because it can be easily shown that isolation for one year in complete silence with hard work is far less open to the charge of *cruelty* than the ordinary style of imprisonment. And for this reason, that in such a system the punishment begins and ends in the course itself, whereas to a convict in association the sentence passed by the court is only too often the lesser half of his penance. Those practically acquainted with prison life will understand this. Establish strict rules of discipline and consider breaches of those rules to be offences entailing punishment at the hands of the prison authorities, and the associated system immediately becomes much more cruel than that of isolation—for in the one case the convict is tempted to break the rules at every hour of the day, in the other he finds it all but impossible to commit himself. Yet the establishment of these strict rules is absolutely necessary. It is a *sine qua non* that receiving clandestine communications from the outer world, possession of tobacco and other luxuries not recognized in the prison dietaries, quarrelling and fighting, abusive language, idleness, and such like, should be met with punishment. No gaol could go on for a week unless this were so. The consequence is that prisoners in association are constantly incurring extra penalties not contemplated in the judicial sentence, because they have countless opportunities for doing each and all of the proscribed wickednesses. It is not the fault of individual management that this should be so, it is the *inevitable* result of the system. It is bad enough in the provinces, where nearly all are casual offenders, it is incomparably worse in the towns, where habitual criminals form a large proportion. Now it has always seemed to us that a leading feature in gaol management should be to leave the judicial sentence as far as possible unaugmented by extra punishments in prison. Every temptation to misbehave should be carefully kept out of the convict's path. To take one example—the most notorious. It is a breach of regulations in nearly all prisons to become possessed of tobacco, privation from that luxury being much felt by convicts. Herd two or three score men together, and it is evident that if one contrives to obtain some of the forbidden narcotic, the others will soon share in the spoil. In other words, the opportunity that accident has afforded to one of committing a fault becomes the opportunity of all. Half a hundred are liable to punishment instead of one. Again, any prisoner having a grudge against another can with very little difficulty get

him into trouble. As to quarrelling and abuse, it is plain that for them association is indispensable. We repeat, a prisoner in isolation finds it next to impossible to misbehave, and should he get a chance of doing so lacks that encouragement by others which is in many cases the principal incentive. On the other hand the convict in association is constantly tempted to run the risk of extra punishment, and may without any great exercise of ingenuity succeed in doubling or trebling the penance imposed by the Judge or Magistrate. This is no over-statement. It is the plain unvarnished fact. Nor is the probability of becoming acquainted with the gaol cat the only direction in which associated convicts suffer. There is the scarcely less important consideration of moral contamination. The prisoner in isolation goes out at the very worst as good a man as he came in : in the vast majority of cases a much better man. The prisoner who is compelled to mix with others is certain to become worse himself and to make others worse. It is true that in the case of habitual criminals this point is one of minor importance, because they are already very bad ; but still even they have degrees of depravity. We repeat then—and it is a point on which we do not wish to be misunderstood—an isolated system, though really more unpleasant to the criminal, would be far less cruel than is the ordinary associated system. Flogging would become a dead letter under it, and flogging is the bane of Indian prisons. The unpleasantness would simply consist in the enforcement of conditions diametrically opposed to the depraved tastes of the criminal.

Now it is by no means pretended that the system described would prove generally efficacious ; habitual criminals are not so shortly disposed of. But it is believed that the effect would be to cause a very fair proportion of the class to hesitate before re-commencing a career of theft. It is not beyond the pale of reason to suppose that some at least would argue in this wise :—" I have tried the new prison and have found existence within its walls so hateful that, sooner than pay a second visit there, I will do what is only one degree less distasteful—I will betake myself to honest labour." This, we think, would be the effect on a certain percentage of habitual criminals, and it is evident that every ex-convict holding such views would disseminate them among his friends. It would soon be widely known throughout our Alsacias that a terrible building had been erected for the special benefit of professional thieves, within whose walls a man having once entered would taste the fruits of sin cooked in the most bitter fashion.

It would, however, be disingenuous to conceal the fact that many authorities disbelieve in a deterrent system as heartily as they scout the notion of reformation. The following extracts

from widely different sources will show that we have not over-estimated the difficulty of the problem.

In 1850 a committee assembled in Paris to enquire into the working of the separate or solitary system at Mazas. In the course of the report appear these lines :

“ Les anciens reclusionnaires, les anciens forçats, n’hésitent pas à répondre qu’ils préfèrent la vie en commun au régime de l’isolement, et la plupart d’entre eux demandent instamment à être transférés dans la prison où ils doivent subir leur peine. Plusieurs détenus de cette catégorie nous ont même déclaré qu’en échange de ce mode d’emprisonnement ils accepteraient volontiers une captivité d’une durée double dans la communauté du bagne.

“ Cette impression des condamnés endurcis et des récidivistes est un argument grave en faveur du système cellulaire appliqué aux Maisons de détention pour peines. Il est évident, en effet, que l’isolement, indépendamment de l’influence qu’il peut avoir sur l’amendement du coupable, offre, au point de vue de l’intimidation, un caractère plus sérieux et plus efficace.”

This is the testimony of French criminals, and it is supported by that of an English professional. Some years since an article appeared in the *Cornhill Magazine*, the author of which confessed to being a convict and was certified to be such by the editor. Speaking of the habitual criminal, and of the chance of his coming out of prison resolved to lead a new life, he says :—

“ His only chance lies in his having been kept in separate confinement during the whole term of his imprisonment. There is then just a chance of his turning out respectable. The effect of the system in well managed model prisons is undoubtedly most beneficent. I firmly believe that almost all prisoners of every class become completely resolved, while they are under it, to live for the future honestly and respectably. And this is the opinion of every prisoner whom I have heard speak on the subject. I have heard many conversations on this point. One which I heard when I was in England took place between five professionals. Two questions were raised ; first, whether it was possible to reform one of their class ; and, secondly, supposing it possible, what was the system to effect it ? The conclusion to which they unanimously came was that such reformation was not possible, but that if anything could bring it about, it was the system pursued at such prisons as Pentonville. They agreed that ‘ a man in separates could not help being religious and making good resolutions.’ * * * * The separate system is beyond question powerful for good—most powerful, as far as it goes. * * * * The separate system may be worth trying, especially as it has never yet been tried fairly, * * * but mark ! if it fail once, never try it again with the same men.”

The writer goes on to say that in his opinion severe penalties do not deter professional thieves from continuing their evil practices, and for this reason, that they do not weigh the amount of punishment but the chance of being found out. He urges, for instance, that it is not the fear of hanging that makes a man hesitate to commit murder, but the fact that much more trouble is taken to find out the perpetrator of a murder than any other criminal, and consequently that the chance of detection is greater. But he seems here to fall into the error of confounding the two classes—as is evident, indeed, from his illustration, for habitual criminals do not commit murder. Doubtless, the amount of punishment that may follow on detection does not hinder the casual criminal. He commits a crime on impulse and does not weigh the consequences. Jean Valjean hungry steals a loaf; it is the craving of nature that urges him, and were the hunger a little more acute he would do it before the very eyes of a gendarme. It is a very different matter with the habitual. He need not be hungry because he can get work, and his choice is—not between starvation and punishment, but between labour and punishment. Surely the severity of the alternative will come into the question.

The last extract is from quite a different point of view—the scientific. Dr. Maudsley writes thus (*Responsibility in Mental Disease*):—

“The most sober and experienced prison officials are driven sooner or later to a conviction of the hopelessness of reforming habitual criminals. * * * * One fact which is brought out strongly by these enquiries is that crime is often hereditary; that just as a man may inherit the stamp of the bodily features and characters of his parents, so he may also inherit the impress of their evil passions and propensities: of the true thief as of the true poet it may be, indeed, said that he is born, not made. * * * * To add to their misfortunes, many criminals are not only begotten, and conceived, and bred in crime, but they are instructed in it from their youth upwards, so that their original criminal instincts acquire a power which no subsequent efforts to produce reformation will ever counteract. All persons who have made criminals their study, recognize a distinct criminal class of beings, who herd together in our large cities in a thieves’ quarter, giving themselves up to intemperance, rioting in debauchery, without regard to marriage ties or the bars of consanguinity, and propagating a criminal population of degenerate beings. * * * * Crime is not then in all cases a simple affair of yielding to an evil impulse or a vicious passion, which might be checked were ordinary control exercised; it is clearly sometimes the result of an actual neurosis which has close relations of nature and descent to other neuroses, especially the epileptic and the insane neuroses; and this neuroses is the physi-

cal result of physiological laws of production and evolution. No wonder that the criminal *psychosis*, which is the mental side of the *neurosis*, is for the most part an intractable malady, punishment being of no avail to produce a permanent reformation. The dog returns to its vomit, and the sow to its wallowing in the mire. A true reformation would be the *re-forming* of the individual nature ; and how can that which has been forming through generations be *re-formed* within the term of a single life ! Can the Ethiopian change his skin or the leopard his spots ? ”

It will be conceded that these extracts are impartially selected, for they contain nearly as much against our opinion as they do in favour of it. Two of the three say in so many words that the conversion of habitual criminals, whether by the agency of love, or fear, or both, is absolutely hopeless ; the third merely goes to show that convicts find isolation far more irksome than association. “ Truly you are a polite and moderate arguer,” says Sir Anthony Absolute, “ for almost every third word you say is on my side of the question,” and the retort might, on different grounds, apply to our quotations. But the intention is to show that those who understand the subject best, disbelieve in reformation—that they disbelieve in deterrents also, simply shows that they go still further than we do. It is doubtful, however, whether the deterrent system has, save in rare instances, had a fair chance. In the vast majority of cases either the punishment has been made so severe that it has had to be given up as injurious, or else it has been so modified that the backbone—isolation—has virtually lost its power. Moreover, both Mr. Maudsley and the Cornhill writer allude to the *hereditary* habitual rather than to the *self-made* habitual, and obviously he is by far the less likely subject of the two. We, on the other hand, leave him, comparatively speaking, out of account as he has not yet had time to develop fairly. If we have convinced the reader that ordinary prison life is of no avail in making the professional thief see the error of his ways, our real object is gained ; the trial of some new method will obviously be the next step. Whether severe deterrents will succeed, and, if so, in what percentage of cases, is a question for discussion by reasonable people ; but the believer in reformation of the habitual criminal by kind means has had his day and has proved a failure. The most suitable position for such a one would be a professorial chair in that college of experimental philosophers which so much interested Mr. Lemuel Gulliver on his visit to Lagado.

Admitting fully, then, that on at least a considerable proportion of the regular thieving class the rigours and miseries of even such an unpleasant prison life as that sketched above would have no lasting effect, the old question comes up again,—What is to be done ? Are these incorrigibles to be allowed to conquer ? Is there

no other remedy, reformation and deterrents having failed? Is society to sit still with folded hands, and submit to be burthened with this monstrous nuisance? Surely not. When ointment and drug have been unsuccessfully prescribed for the cure of a diseased member in the living body, the physician has recourse to the knife, not only that the unsound flesh itself may be removed, but that it may not corrupt the parts adjacent: so when all healing measures fail with this open sore in the social body, we must fall back upon actual cautery. The habitual criminal on whom two or three terms of isolated imprisonment have no effect in stopping his unlawful practices, should be declared an *incurable*, and should be cut out of that world he contaminates. This would, of course, be effected by life-long imprisonment or banishment, the latter being decidedly preferable.*

It would not be difficult to find an island fitted for the reception of two or three thousand incurable thieves—the only conditions necessary to success being, first, a tolerably good climate; second, soil of not less than average productiveness; third, plentiful supply of fresh water; fourth, comparative inaccessibility. A very small European force would be sufficient to act as garrison or police for such a place, while the internal arrangements could be carried out by specially selected prisoners of long standing. The habitual criminal on his fifth or sixth conviction being formally declared incurable, should be sent to this island, where for the first year or two he would be kept in chains, made to perform necessary menial work, and taught the rudiments of agriculture. All this time he would be fed by the State. He would then be presented with a hut and a plot of land, and told to shift for himself. Facilities should be given for cultivating sufficient grain and vegetables for his own use, and for devoting the remainder of his land to the production of some crop useful for exportation. This extra crop he would dispose of to the authorities for its value in imported food, clothing, &c., but no money, jewels, or other valuables should ever be permitted to pass into his hands, and alcohol, save for medicinal purposes, should be rigidly kept away from the community. This would place the comfort of the individual very much in his own hands. Industry would provide him with luxuries, idleness would leave him with nothing but the bare necessities of life.

In the case of refusal to work at the cultivation of his land, or such carelessness in carrying it out that the crop of food fell short, the prisoner should be sent back to labour in chains for a certain time, but ample allowance should be

* Since this paper went to press 7 last sentenced to transportation for Habitual Criminals were at the Madras High Court Sessions of April life for ordinary theft. The effect is stated to have been considerable.

made for the accidents to which agriculture is liable. It is not probable, however, that this penalty would be inflicted save on extremely rare occasions. Possibly one or two simple trades might be introduced with advantage, but they should be confined to working up local produce; and the outturn should be purchased by the authorities on the same terms as the extra crops. In time it is not unreasonable to suppose that the organization might be made more elastic, prisoners most expert in agriculture cultivating for the whole community, and receiving in exchange for their crops the equivalent in other articles. In this way a regular colony would gradually be formed, in which a system of bartering would take the place of currency. It is evident that the most industrious and most expert would in the course of years accumulate considerable property.

Such a colony will doubtless seem a somewhat too comfortable haven of refuge for the worst criminals in the calendar, but it would possess two elements of unpleasantness, both of which should be enforced with the utmost rigidity. Firstly:—No communication of any kind should ever be permitted between the prisoners and the world they leave behind them. On sentence of banishment being passed, a veil as impenetrable as the grave should fall between the offender and society. Not the slightest intimation should ever reach the prisoner as to the welfare of his family (save that which would from time to time be brought in by fresh arrivals), and on the other hand not a fragment of information respecting his doings should ever go to the world he had quitted. His death might happen within a year of arrival or he might spend half a century in exile—his friends should never be any the wiser. This is why we laid down inaccessibility as a necessary feature in the island, and this is why no money should ever be permitted there. In one way or another a man with money can always command attention to his wishes, and no matter how strict the surveillance—it could not, moreover, be very strict in an open colony—such a one would be certain to send information back to his friends. That done, the chief advantage of the scheme would be lost; for it is mystery that terrifies, and the unknown is always dreaded by the ignorant mass. It would, of course, be necessary that such a colony should be inspected regularly by competent persons, so that no abuses should creep in: but the reports should be carefully kept secret. The criminal should be made to dread transportation by means of the secrecy enveloping it. Needless to add that on no account should a prisoner's wife be permitted to join him in his retreat. No Eve should ever enter that paradise. The second unpleasant feature would be the hopelessness of the situation. On no account whatever should a criminal once banished be permitted to re-visit the scenes of his

professional career. Pardon should be a thing absolutely unknown, for it is obvious that the return of a single exile would for once and for ever enlighten the whole criminal population with respect to the advantages and comforts of the colony. At the same time every possible inducement to good behaviour and industry should be given on the island itself. With reference to this latter point, it should be remembered that the more profound the secrecy in which a prisoner's life is involved, the more may that life be made pleasant without fear of ill effects. The two great ends of all punishment are to prevent the criminal himself from repeating his offence, and to prevent other members of society from imitating him. In the case of life-long imprisonment or exile the first end is of course completely gained, and therefore the second alone requires consideration. Now it is plain that if the outside world is made acquainted with the prisoner's mode of life any diminution in rigour will lessen the deterrent influence; but if no scrap of intelligence respecting his treatment is published, the deterrent influence remains the same whether that treatment be harsh or pleasant. In other words, no harm is done by making it fairly agreeable.

That this banishment for life of the incurable criminal would prove an inestimable boon to that section of the public which suffers most at his hands needs no showing. Petty crime would dwindle down to insignificant proportions, were those who practise it most removed from the field of operation. Nor would the benefit be confined to the absence of the master-thieves; it would consist also in the disestablishment of their training schools. Take away the astute professional, and his pupil, losing the guiding spirit that has made easy the paths of vice, will in some instances at least return to the ways of virtue.

It is certain, however, that, good as the result would unquestionably be, many persons would consider it attained by improper means. There are plenty of most respectable people ready to maintain that society has no right to inflict so heavy a punishment for petty offences, even though they be many times repeated. Now this "theory of punishment" has been the subject of much dispute, but it has always seemed to us that the difficulty is purely imaginary. A writer takes up the cudgels against legislators, and sets himself to prove that they have no business to impose excessive penalties for given offences. Allow that he makes good his position—and no sane man will contradict it—what has been gained? By all means let the general principle be conceded that punishments are not to be disproportioned to the gravity of crimes; the question as to what is and what is not due proportion, still remains to be settled, and that must be settled by society, *i.e.*, by the legislators deputed by society to manage its affairs.

These legislators may, and if they be sensible will, listen respectfully to the opinions of philosophers, but they are no more bound to abide by those opinions than a mofussil Judge is bound to pay attention to the voice of assessors. In fact the whole thing lies in a nutshell. If society have a right to inflict punishment at all—and it will scarcely be denied that she has—it is evident that she must herself fix the standard of penalties. From which it follows that, however much an individual may object to the penal laws at any given time, those laws must, nevertheless, be considered just, being, as they are, the creation of society's spokesmen. In the present case, were life-banishment prescribed by the legislature for incurable thieves, that prescription would stamp it as a just and equitable penalty, so far as human beings are capable of forming an opinion. It must be remembered that as the best man's decision is possibly erroneous, we can but strive hard to minimize the chances of error. In olden times bodily pain of various kinds was the ordinary punishment for evil-doers: gradually this element disappeared from the code till at length about ten or twelve years back, it was found out that we had gone too far. Flogging was consequently re-introduced for special offences. At first there was a clamour against "retrograde legislation," "brutality," &c., but at this day do any but the garotters themselves and a few extreme thinkers consider the remedy too strong? It is not long since the harmless necessary cat was expelled from military circles. How many years will elapse before it is re-introduced? The whirligig of time brings in his revenges, and one generation frequently sees the work of its predecessor reversed. The heads in power for the time being must decide to the best of their ability the fitting penalty for an offence, and however much individuals may disagree with the decision, it is idle to dispute its validity.

Society should in effect say to an incurable criminal:—"Friend, we have had enough of you. We, the great majority, have agreed among ourselves to forfeit certain indulgences and privileges in order to secure certain advantages, because we find it impossible to live in peace and comfort without coming to some such compromise. We have agreed to give as well as take in the world. You do not, unfortunately, fall in with this arrangement. You persist in confining yourself to taking. Among other matters we have decided not to appropriate each other's pocket-handkerchiefs, purses, &c., as the case may be. If we have not got a pocket-handkerchief, we work, earn money and buy one. You decline to accept this view, and set up a pocket-handkerchief code of your own. It is clear that we cannot get on at this rate. Either you or we must give in. We are the stronger and do not intend to do so. You are the weaker and must succumb. A few

centuries back you would have been maimed or slain for your obstinacy—

“The kings of old had doom’d thee to the flames,
Aurelius Emrys would have scourged thee dead,
And Uther slit thy tongue:”

but we have become merciful in these latter days. We shall therefore do you no bodily injury, we shall simply remove you from among us, and shall relegate you to a place where there will be no pocket-handkerchiefs (worth speaking of) to steal. You shall have the chance of living a comfortable life there if you choose to work: if you are idle, we will keep you alive, nothing more. Everything beyond bare sustenance must be bought by your own industry. Of your wife and children we will take reasonable care, and will see that they do not necessarily suffer for your misdeeds. For once, and for ever—Adieu.”

To recapitulate briefly. We have endeavoured to show that, taking Madras as a typical town,

1st.—A distinct class of persons exist who make their living by preying upon the community at large, and that the number of offences thus committed is very heavy when compared with the population.

2nd.—The members of this class are at present drawn from many sources, and are rarely hereditary criminals.

3rd.—A hereditary class is commencing to form and will assuredly make head if not checked.

4th.—Reformation is of no avail with these persons.

5th.—The present deterrents are of but little avail.

6th.—A more rigid system of deterrents would very probably stop some at least from continuing their evil courses.

7th.—In the case of those whom the most rigid system of deterrents that can be devised fails to make honest, the only resource is to root them out of the community.

W. H. H.

(*N. B.*—The question of expense has purposely been left untouched, as its full consideration would take up too much space. Doubtless a prison on the isolated system costs much more than an ordinary gaol, and the expense of keeping up a colony and its supervising staff would not be light; on the other hand the extra cost of police and judicial machinery necessitated by the presence of an Habitual Criminal class would be done away with were that class stamped out, and the saving to the general community in relieving it from the incidence of thieves’ black mail would be enormous.)

ART. V.—MODERN INDIGENOUS LITERATURE OF
BRITISH INDIA. (*Independent Section*)

UNDER the provisions of Act XXV of 1867 (the last Printing Press Act) it was enacted that all books printed in India should be registered, and quarterly returns made to the Government by the eight subordinate Governments and Administrations. Some of these find their way to England, and copies are supplied to the Royal Asiatic Society, the Société Asiatique, and the Deutsche Morgenländische Gesellschaft. The interest of these returns is twofold, political and literary : it is with the latter aspect alone that we propose to occupy ourselves.

British India presents a phenomenon quite unparalleled in ancient or modern times : a Press entirely free (so long as no offence is committed against public morals or private character) in a country deprived of the smallest portion of political freedom, with the additional complication of multiplicity of religious beliefs and plurality of languages and written characters. An imperfectly educated people, entirely devoid of the critical faculty or the means of testing the truth of statements, swallow what they read, and the understanding of the reading portion of the community would be pretty well confused, if they took in even a small portion of the annual supply of printed matter.

The subjects may once for all be divided into :—

- I.—Biography.
- II.—Fiction (including Drama).
- III.—History, often connected with the foregoing.
- IV.—Linguistic knowledge.
- V.—Law and general administration.
- VI.—Medicine,
- VII.—Poetry.
- VIII.—Philosophy.
- IX.—Religion.
- X.—Science.
- XI.—Mathematics.
- XII.—Logic.
- XIII.—Geography.
- XIV.—Politics.
- XV.—Voyages and Travels.

There is a very large proportion of very indifferent poetry of a bombastic, turgid, and namby-pamby style, such as a man of taste would reject, and tinged occasionally with indecencies

that a man of delicacy would decline to read. We believe that in the early literary stages of all nations poetry has preceded prose, and poetry of a jingling and monotonous character.

The works are either original, or translations, or reprints : either printed or lithographed at the expense of the State, private individuals, or speculating publishers : at many different places ; editions of various sizes, but of fair execution, and at moderate prices : such a thing as an *édition de luxe* is unknown. In some cases the books are illustrated by wood-cuts : some books are bilingual.

We now proceed to review each province separately.

The Punjab.—We have before us the catalogues of 1871 and 1872, and a review on the former by the Director of Public Instructions. The languages used are English, Persian, Arabic, Sanskrit, and the vernaculars of the province, Pushtu for the Trans-Indus districts, old Punjabi or Goormukhi, Hiudustani or Urdu, and Hindee. This province extends from the Indus to the Jumna, and comprises a population of nineteen millions, all in the enjoyment of an ancient Oriental civilization, and professing the Muhammadan faith of the two types, Shiah and Sunee, as well as the Hindu cult, with its Sikh variety ; and (to a very limited extent) Christianity in its two developments of Protestantism and Popery. It may be proper to remark, that in this province there is a prolific Government Press for printing reports and treatises connected with the administration of the province : there is an active and all-pervading State Education Department, issuing educational works : and there are several independent bodies of Protestant Missionaries, who consider it part of their method to work the press so as to get at the millions. Thus in 1871 no less than three hundred and thirty-four works were published, and in 1872 two hundred and eighty-two works.

In these practical days the title of a prose work conveys a fair idea of the subject of the volume ; but it was not so formerly in England, and it is not so now in India. The fanciful and grotesque names entered in the catalogues are quite useless as guides to the subject, even to those who from a knowledge of the language know very well the meaning of the words.

It may be added that there was a large number of works which came under the head of "periodicals," as the Press throws off not only newspapers but magazines, reports of learned societies, series of publications : the people of India are highly imitative, and readily adopt the prevailing fashion of the ruling power in this particular.

Anything that approaches so nearly the deepest interests of the human race as the religious cord, which attaches them to the unknown future and the imperfectly comprehended

243, amidst a population of thirty-one millions, partly Hindu, partly Muhammadan, with a few Christians, rich and comfortable, and with some very large cities of world-wide repute, such as Benares and Agra. An elaborate State educational system embraces the whole community. No provincial report accompanies the dry registers. We meet with works in Persian, Urdu, Sanskrit, Hindee, Arabic and English. The late Lieutenant-Governor of the province is one of the most enlightened patrons of learning that India has ever known. Sir W. Muir is himself a distinguished author and Oriental scholar. Among the residents and contributors to the works of the year are Syud Ahmed Khan Bahadur, C.S.I., and Siva Pershad, C. S. I. The names of the following books suggest conflicting thoughts.

A pleasing account of Muhammad—Urdu.

A Treatise on Arabic Grammar—Urdu.

Translation of the Mahabharat—Hindee.

History of the Andamans (the Convict Settlement)—Urdu.

Practical Surgery—Urdu.

Commentary on the Epistle to the Colossians—Urdu.

War of the Goddess Chandi with the Giants—Sanskrit.

Technical forms used by Faqees—Urdu.

Ceremonial of Muhammadan Burials—Urdu.

The object of second Marriage—Urdu.

Rules for Letter-writing—Urdu and Persian.

Treatise on Astrology—Sanskrit.

Poems in praise of Muhammad and other saints—Urdu.

Vaccination—Hindee.

The Pious Orphan—English.

A Treatise on Logic—Sanskrit.

Poems of Shirin, Nasir Ali, Saib, &c.—Persian, Urdu.

The Koran—Arabic, Persian and Urdu.

Treatise on Electro-plating—Urdu.

The Dart of Love, an amorous Poem—Urdu.

A Hand-book of Etiquette—Arabic,

Repentance, Faith and the Gospel—English.

Verses in praise of Vishnu—Hindee.

Directions for Purification from Defilements contracted by Births and Deaths—Sanskrit—1,000 copies, an unusually large edition for this province.

Story of Krishna and the Gopecs—Hindee—1,000 copies.

Stanzas in praise of the God Siva—Sanskrit and Hindee—500 copies.

To the above must be added numerous official publications of the Government in the different departments, educational treatises, pamphlets of the Civil Engineering College, and numerous excellent periodicals.

It must needs be that the tares should grow up with the wheat. But the juxtaposition of astrology with photography—the most ancient delusion with the latest practical discovery, of Krishna with Mahomet and Paul, of rules regarding purification with vaccination, suggests subjects for deep and anxious reflection. Did such material facilities for propagating error ever exist in any country at any previous period of the world's history, as are now supplied by a free Press in British India? One political treatise appears in the province; but the name *Narcissus* and the language—English—take from it all interest, as it is probably the outburst of a sphenetic Englishman.

We pass on to British Burmah, and we find thirteen publications amidst a population of two and a half millions, speaking the Burmese language and Buddhist in religion, and lying outside of the great current of civilization. The following works are suggestive.

Songs in praise of the New Umbrella for the Dægen Pagoda—Burmese	...	300 copies at Rs. 2 each
Religious exhortations, having regard to the transitory nature of Life—Pali, Burmese	...	350 " "
A kind of vocabulary—Burmese	1,000	" "
Body and Mind—Pali	1,200	" at Rs. 1 each.
Religion—Pali, Burmese	500	" "
Prince Woojayah, Fiction—Burmese	500	" "
Burmese Common Prayers—Burmese	1,000	" at Rs. 2 each.

Here we have the spectacle of a nation being aroused from the sleep of centuries by the diffusion of such extraordinary intellectual food as the praise of a new umbrella and a treatise on body and mind: the large issues and high price suggest a brisk demand for the wares.

For the Central Provinces the returns of three quarters of 1872 only have come to hand; these provinces contain a population of nine millions, speaking the Mahratti and Hindee languages, chiefly Hindus, in the centre of India, and lying on the very high road of civilization, being in contact with all the great provinces of British India. The returns show five publications, including

A collection of Incantations, Rules for astrological calculations, 500 copies at Rs. 3-2 per copy.

All the rest are issues from the Educational Press. So the only use made in this province of the Press by private individuals has been to propagate the debasing practices of incantation and astrology.

We now come to that vast province which has been more than a century under British rule, with a population of sixty-six

Creator and Ruler of the universe, must always awaken the deepest sympathy and respect of those who reflect seriously on man, his thoughts and his actions. These catalogues bring into striking contrast the phases of human belief of people living under the same Government in the nineteenth century, and very much resembling one another in ordinary occupation. Thus our eyes fall in the same five minutes on the following amazing sentences, indicating to what a pitch of belief men can be tuned.

The Little Office of the Immaculate Conception of the Blessed Virgin.

Confraternity Rules of the Blessed Virgin.

Pangs of the Gopees in the absence of Krishna described.

Attacks by Muhammadans on the Christian religion.

A Brahmo periodical.

Miracles performed by a saint named Abdul Qadir Gilaus.

Religious controversy between Shials and Sunees.

Talismanic effect of different portions of the Koran.

Three religious books of the Sikhs.

The story of Krishna and a Gopee whose thumb ornament he had stolen.

Verses in praise of a saint named Fureed.

Prayers to Hari—a name of Krishna.

Tenets of the religion of Muhammad.

Muhammad's night journey to heaven.

Praise of Muhammad—the heavenly light that shone on his face.

Prayers of the Sikhs.

An elegy on the death of the Imams.

Adventures of Rama.

Story of Potiphar's wife and Joseph.

The marriage of Krishna and Rukmani.

Prayers in verse (Muhammadan).

The golden image of Nebuchadnezzar—a Protestant (American) Hindoo tract.

Story of Joseph verified from the Koran.

Praise of Muhammad.

An address of Govind Singh to the Emperor Aurungzeb.

Prophccies of Muhammad.

The Gospel of St. Mark.

Pilgrim's Progress.

Religious ceremonies of Muhammadans.

Translations of the Acts of the Apostles.

Condition of man after death according to Muhammadans.

Gospel of St. John in Urdu.

Life of Muhammad from a Christian point of view (not very flattering).

The heading of "religion" comprises the most numerous

entries, and the above selection taken at random shows the nature of the works published : a great deal of the poetry is connected with religion : the remainder being composed of inane love songs, often bordering on the indecent.

Of biography and fiction, which go so far to educate a people to higher aspirations, there is absolutely nothing. The great legends of the nation, which might be re-set in a fashion to suit the altered civilization of the century, and play the part, of the *Chansons de Roland* and the *Legende d' Arthur* in Europe, are still buried in the mass of ridiculous and often indecent absurdities. Of history there is just the germ of better things : a sketch of the history of the Muhammadans to the fall of the Abbasides ; a history of Cashmere from an industrial point of view : and a history of one of the districts of the Punjab.

The publication of linguistic knowledge emanates from the Education Department, and those of general administration from the Government Press : they are typical of the Anglo-Indian mode of handling these departments entirely out of sympathy with the feelings of the people.

It is doubtful whether from an intellectual or religious point of view much is gained to the interest of mankind by the sudden and wide expansion given to the Muhammadan type of publications, which are of the worst literary and moral style ; but the advantages of a free Press must be taken with its corresponding disadvantages. We must be liberal all round. It is also worthy of remark that there are no books or pamphlets on "political" subjects whatsoever : this development remains for the next generation. We wish that we could notice in this province collections of indigenous ballads, such as float from mouth to mouth among the people. We should like to have seen vocabularies of local words and idioms, collections of proverbs or lists of tribes and races, collected from the Brahmins, and places of pilgrimage. We wish that we could have found books of local legends ; tales of the mountains and rivers. Those who have lived long among the people, know how necessary it is to have the mind strung as it were to the pitch of the popular feelings : touched gently by the skillful hand, the chords then give out that strange music which is found in the legends and ballads of an ancient people.

We pass now to the great province, miscalled the North-Western, that occupies the Doab of the rivers Ganges and Jumna, and the adjoining districts on both sides. Here the people speak and write the Urdu or camp language, known as Hindustani in its perfection, and alongside of it is the Hindee and Braj Bhakka. Both the Urdu and Hindee are strong vernaculars, capable of great development.

The out-turn of publications during the year 1872 amounts to

Description of the distress of Kulin women—Bengali, 1,000 copies.

The religious exercises enjoined by Brahmoism—Bengali, 1,000 copies.

An attempt to show the sufficiency of intuition as a religious guide—Bengali, 500 copies.

A collection of proverbs—English, 1,000 copies.

Bunyan's Pilgrim's Progress—Urdu, 2,000 copies.

Poem describing the loves of Krishna—Uriya, 1,000 copies.

Poem representing a goose as employed to carry messages from the Milkmaids to Krishna—Sanskrit and Bengali, 1,000 copies.

Songs descriptive of Krishna's dalliances—Uriya, 1,000 copies.

Translation of Thomas à Kempis's Imitation of Christ—Bengali, 500 copies.

Lament in verse on the death of Lord Mayo, and description of his funeral—Bengali, 1,000 copies.

A book detailing the infidelity of wives. Obscene from beginning to end—Bengali, 1,000 copies. Another book even worse, obscene throughout, 2,000 copies.

The difficulties of a man who has to please two wives—Bengali, 1,000 copies.

Rewards and punishments in a future state, the praise of those who engage in Jehads—Muselman Bengali, 1,000 copies.

Roman Catholic Hymns for children—English, 500 copies.

A collection of Religious Muntras—Sanskrit, 1,100 copies.

An ancient treaty against Atheism, Buddhism and Idolatry—Sanskrit, 1,000 copies.

A defence of Polygamy—Sanskrit, 1,000 copies.

After deducting the contributions of the State and Missionary Presses, such is a fair sample of the out-turn of the literature of the Bengalis in the year 1872. The application of an Act, analogous to Lord Campbell's in England, is necessary in many cases, and may possibly have been had recourse to. But the policy of the Government of India is, Gallio-like, not to care for such things, and the entire absence of political brochures justifies the wisdom of the *poco curante* policy, not however a very moral one.

We come now to the little protected kingdom of Mysore in the centre of the Madras Presidency with a population of one million, chiefly Hindus. The out-turn of publications for 1872 amounted to 50 works. This province lies out of the busy highway of civilization. The languages employed are Kanarese, Sanskrit, English, Tamil, Persian and Urdu. Here also we find

Verses in praise of Vishnu—Sanskrit and Kanarese, 1,000 copies.

Prayers to Ganesha—Kanarese, 1,000 copies.

Morality—Kanarese, 2,000 copies.

Catechism of Wesleyan Methodists—Kanarese, 8,000 copies.

Stories about Rama, Sitā, and the Gopees—Kanarese, 4,500 copies.

The Life of Mahomet—Urdu, 500 copies.

The thousand names of Vishnu—Sanskrit, 2,000 copies.

Thus we find that in this small province the great genius of the Press is with few exceptions yoked to the car of idolatry : it may, indeed, be said of the vast majority of the issues of the Mysore Press, that it would have been better for mankind that the power of distributing knowledge in a readable form had not existed.

The returns from the Madras Presidency come next under review. About 330 works were registered in the English, Tamil, Sanskrit, Tamil, Telugu, Malayalim, Kanarese, Persian, and Urdu languages. The State and the Missionary bodies have extensively influenced the out-turn of this province. The population amounts to thirty-one millions, Hindus chiefly, with some Mahomedans, and a large number of Christians. The town of Madras is the administrative and intellectual centre of the Peninsular. The population is distinct and separate from the northern provinces of India, in custom, sentiment and language. The Tamil is a strong and superior vernacular, capable of unlimited development. Setting aside for the time the State and Missionary publications, which are homogeneous with those of other provinces of British India, it is interesting to watch the tendencies of the native intellect and aspirations as evidenced in the still small voice of the Press.

String of spiritual Pearls, a book of sacred lyrics verses and dramatic acts ; but whether in the praise of Christianity, Krishna, or Mahomet is uncertain.—Tamil.

History of the sixty-three devotees of Siva, also a book of lyrics—Tamil, 1000 copies.

A Satirical farce, abounding in obscene language and matter—Tamil, 1,250 copies.

The story of Rama in beautiful verse—Telugu, 1,000 copies.

A love tale of the daughter of a king and her tutor—Sanskrit, 1,000 copies.

Verses in praise of Siva. The writer runs down ignorance—Telugu, 1,000 copies.

Tract on the various matters of meritorious devotions—Malayalim, 2,000 copies.

Morning, noon, and evening prayers for Brahmans—Sanskrit, 600 copies.

Tract advocating idol-worship, and the truth of the incarnations of God—Tamil, 400 copies.

Astrology.—Tamil, 1,050 copies gratis.

Monthly Magazine for Hindus, treating of religious and sectarian matters—Tamil, 600 copies.

millions, Hindus and Muhammadans, with the vast Anglo-English metropolis of Calcutta, and the two cities of Patna and Dacca. The wealth of a portion of this province is enormous: the extent of civilization and education in parts is very considerable; but there is not wealth or civilization everywhere: and some outlying districts are behind the rest of India. The returns are exceedingly bulky, and no general report for the whole province has reached us. There cannot be less than 1,200 entries in these registers, and the issues of many of the publications are counted by thousands, and in some instances tens of thousands. It is clear that the Press is exercising in this province a very important influence for good or evil. The languages employed are Bengali, Assamese, English, Urdu, Ooriya, Sanskrit, Santali, Persian, Arabic. We are glad to find that the Bengali works preponderate greatly: it is a strong healthy vernacular, capable of unlimited development, but it is by no means uniform, and we find notices of "Musalman Bengali," and the books written for the peasants are unintelligible to the educated classes. No doubt in this province the action of the State through the Educational Department, and of the great Missionary bodies, and of the European residents of Calcutta, is very considerable, and Calcutta may in this sense be said to be half of Bengal. The periodicals are very numerous. A great number of the educated Bengalis have entirely adopted the English mode of thinking, and with that have lost influence over their uneducated countrymen, who look upon them with suspicion and aversion. A portion of the reading community are clearly highly advanced. There is no absence of moral works of the semi-Oriental class; but what shall be said of the following selections—"orient pearls at random strung"?

Five letters written in prose and verse, by a Hindu Lady—four to her husband and one to another person—Bengali.

A tale, illustrating the effects of covetousness. The story of a man who earned much money by enticing away respectable females from their homes for immoral purposes. He was convicted and sentenced to death. There are indecent passages. Bengali, 500 copies.

Lamentations of a woman over the death of her first-born and the intemperate habits of a much loved husband. A touching prayer to Queen Victoria to put a stop to the sale of spirits—Bengali, 100 copies.

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A description of Krishna—Uriya, 500 copies.

Collection of short essays, by native female writers—Bengali, 1,050 copies.

A Novel designed to inculcate female chastity—Bengali, 1,000 copies.

An obscene Drama—Bengali, 500 copies.

Lives of the Apostles and early saints of the Christian Church—Bengali, 1,000 copies.

A Novel showing how a certain man and a widow, being prevented by Hindu law from getting married, committed suicide in the hope of marrying each other in the next world—Bengali, 1,000 copies.

Songs addressed by Krishna to his wife to soothe her wounded feelings—Bengali, 750 copies.

An adaptation of Pope's Essay on Man—Bengali, 250 copies.

Nil Durpan, a drama designed to show the oppression practised by Indigo Planters—Bengali, 1,100 copies.

Discourse expository of Brahmoism from the Adi Brahma Sumaj Press,—Bengali, 500 copies.

A translation of the Mahabharat—Bengali, 2,000 copies.

Christian Tracts—Bengali, 5,000 copies.

Verses on the eight sentiments or emotions. Contains much that is indecent—Bengali, 1,000 copies.

Collection of proverbs, not in good taste—Tamil.

Book of sacred verses in praise of the Virgin Mary, with comment or paraphrase—Tamil, 1,000 copies.

Astrology and divination, for popular use, and commanding a ready sale—Telugu, 1,000 copies.

Translations of the Mahabharata—Tamil and Telugu.

Tracts in verse in honour of Siva—Tamil, 500 copies.

Hymns in praise of Vishnu, original work 300 years old, with a modern commentary—Sanskrit, 300 copies.

A coloured photograph of an idol and the assembly of Brahmans chanting the Vedas at a feast—500 copies.

Tract denouncing Christianity, and finding fault with the use of animal food and intoxicating drinks—Tamil, 500 copies.

Illustrated edition of legendary tales of the sixty-three Siva devotees. Some of the illustrations have shocked the feelings of the followers of Vishnu—Tamil, 1,000 copies.

Marriage of Siva and Parvati, entertaining and erotic—Telugu, 1,000 copies.

Marriage of Krishna and Rukmani. Poems, said to be four centuries old—Telugu, 1,500 copies.

Astronomy, the horoscope expanded. The author lived 1,900 years ago—Sanskrit, 2,500 copies.

Melodies on the adventures of Krishna—Sanskrit, 1,000 copies.

A standard work on amatory poetry—Sanskrit, 1,000 copies.

A prose tale of a demon with 1,000 heads, &c.—Telugu, 1,000 copies.

A centum of easy verses in praise of the Man-Lion Avatar of Vishnu—Telugu, 2,000 copies.

We have passed over endless prose and poetical works on Vishnu and Siva. The Muhammadans are silent in this quarter, and the Hindu idolatry monopolizes the Press, with a sprinkling (not excessive) of indecent erotic's; the religious works of the Hindus insensibly glide into obscene details.

The last province on our list is that of Bombay, small in area and heterogeneous in population, but presumed to be advanced in civilization. The returns for only three quarters of the year 1872 have reached England; but the out-turn of the year may be estimated at about 365 works. The population of the province amounts to fourteen millions, Hindus, Muhammadans, Christians, Jews, with an important Parsee element. The languages used are Urdu, Persian, Arabic, English, Guzarati and Kuchi, Sanskrit, Mahratti, Kanarese, Sindhi, Pahlavi, Zend, and Portuguese. Of the living vernaculars the Mahratti, Guzarati and Sindhi, are strong variations of the great Indian stock, quite capable of holding their own, and susceptible of development: of the other languages mentioned

some are aliens, some extinct, and some weak vernaculars, which may, probably, in the struggle for linguistic life that accompanies an epoch of literary development, be absorbed by their stronger neighbours.

The State, the Missionary bodies, and the English community have great influence here: there is a freer intercourse with the coasts of Asia and Africa: a large community of Parsee aliens have become domiciled, still preserving a distinct religion and distinct customs, though they have sacrificed their vernacular. We might therefore have expected a better class of works from the independent Press of this province. We find however the following:—

Legendary sketch of the founder of a school of the Vednt philosophy—Guzarati, 1,000 copies.

Translation of Gil Blas—Mahratti, 1,000 copies.

Bhagavat Puran, the sports of Krishna—Guzarati, 1,000 copies.

Story of a virtuous and loving wife—Guzarati, 1,000 copies.

Prayers and hymns addressed to Jain saints—Guzarati, 1,000 copies.

Lamentation of the Gopees for the absence of Krishna—Guzarati, 1,000 copies.

String of pearls, a compilation of hymns to Jain saints in Sanskrit, Urdu, Gujarati, and Magadhi—1,000 copies.

Legendary account of Wallabha—Guzarati, 3,000 copies.

Praise of the River Godaveri—Sanskrit, 1,000 copies.

Exposure of jugglers' tricks, to undeceive people from their belief in magical arts—Guzarati, 1,000 copies.

Poems describing the miseries of young women married to too young, or too old, husbands—Guzarati, 1,000 copies.

Proverbs—Mahratti, 500 copies.

Divination—Guzarati, 1,000 copies.

Drama of the marriage of Siva with Parvati—Sanskrit and Mahratti, 1,000 copies.

The seven different ways of reading the Koran—Arabic, Persian, Urdu, 1,000 copies.

Legendary account of a Muhammadan Saint—Urdu, 1,500 copies.

Poetical Riddles, amusing and witty—Guzarati, 1,000 copies.

The Scriptures of the Zoroastrians—Pahlavi and Zend in Gujarati character, 500 copies.

A farce with a tragical conclusion—Mahratti, 1,000 copies.

Poem singing the amours of Krishna with the Gopees—Guzarati, 1,200 copies.

Collection of "pleasing songs," chiefly amorous—Guzarati, 1,000 copies.

Genealogy of Brahman families, useful in contracting marriages. Mahratti, 300 copies.

Shah Namah, the ancient Parsee Kings—Guzarati, 1,000 copies.

Drama of Hatim Tai—Urdu, in Guzarati character, 500 copies.
Popular and joyous songs for festival days—Brij in Guzarati, 500 copies.

Poems by Kabir—Brij in Guzarati character, 500 copies.

Drama of Kesar Wigaya, a very superior work, free from vulgarisms or indecencies—Guzarati, 700 copies.

Prayers of a Zoroastrian—Guzarati, 2,000 copies.

Description of the misfortunes prognosticated by the fall of a house-lizard,—a superstitious book—Sanskrit and Mahratti, 750 copies.

Calendar—Guzarati, 1,000 copies.

The voice of the people. Songs lamenting the misrule and miseries of the people of the Kutch State—Guzarati, 1,000 copies.

Lament of a poetess for the absence of her beloved husband—Mahratti, 400 copies.

The light of religious elements of the Jain faith. Guzarati, 550 copies.

Praise of the goddess Kali—Guzarati, 500 copies.

The Mirror of Health, a medical work—Guzarati, 1,000 copies.

Highly amusing farces and stories—Guzarati, 1,200 copies.

Tract to warn against swindlers—Guzarati, 1,600 copies.

Poem on separation from the beloved—Guzarati, 1,000 copies.

Shakespeare's Julius Cæsar adapted—Mahratti, 1,000 copies.

In conclusion we must note certain improvements which might be made in the mechanism of the returns. The subject is one of great importance, and each Government and administration should call upon the head of the Educational Department to give a general *resumé* of the publications of the year, much in the manner adopted by the Punjab Government. The books should themselves be inspected by competent officers, and opinions given as to the style of the work, both as to language and mode of treatment. Where the contents are decidedly obscene, due warning should be given to the publisher, or proceedings taken under the Code of Criminal Procedure. Copies of these returns are supplied to the learned Societies of the Continent, and it will be a scandal if this blemish be not removed. Inquiry should be made from the publisher, and notice taken of the rapidity with which large editions are exhausted, and a system of pecuniary rewards in some shape or other for deserving works should be part of the educational system of each province. Authors of merit are proverbially in want of pecuniary assistance, and enterprising publishers are deserving of assistance from the State. And the net should make a clean sweep, and take in all fish. We look in vain for the publications of the Text Societies of Calcutta and Bombay: were there no issues of their valuable series in 1872? Moreover, no returns from Oudh have come to hand of any kind: that province is homogeneous to the adjacent North-West Provinces.

When we consider the whole subject with reference to the intellectual state of the nation, feelings of humiliation cannot fail to arise. How is it that indecent erotics and discordant religious dogmas have monopolized a free Press? It is really a question whether the Anglo-Indian Government is doing what is just to the people in allowing the wholesale propagation of so much error. The wonderful art of printing, which had remained unrevealed to the Latins and Greeks, was granted to European nations just at the moment when the state of their intellectual progress enabled them to make a good use of it. But all the slowly-elaborated discoveries of Europe, including those of lithography and photography, are suddenly poured into the lap of a nation deficient in moral culture, which has not undergone the discipline of self-government, and which is unshackled by the control of a superior power. No nation up to this time has been placed in such circumstances. The Anglo-Saxon takes with him his principles of self-government and self-respect. The inferior races of Europe (we will not specify them) are kept in subjection by the censorship of absolute monarchs, who with their advisers are influenced by the public opinion of other nations and their own feelings of self-respect. The absolute Governments of the first-half of this century would have placed nearly the whole of the independent publications of India on the index expurgatorius, either as contrary to morals or to true faith as established by law. The great constitutional question then arises—Is the Doctrine of a free Press of universal application, and for the real good of a people backward in intellectual and moral development?

Still we have reason to be proud and to be thankful that there are absolutely no diatribes against the Government in the form of permanent literature. The newspaper Press is also free, and its contents are not unnoticed by the local authorities, but prosecutions under the Press Act are rare, if not non-existent. Mark the contrast from the Ireland of the eighteenth century. The *sæva indignatio* of reverend patriots "who could not get the place for which they sued," the factious outpourings of statesmen waiting to be bribed, the hostility of religious sectarians deprived of their proper rights, are absolutely non-existent under a strong Government which maintains the civil and religious freedom of all classes. Even the purer and more manly hostility of the Ireland of the nineteenth century is absent also. There may come a time when the ruling authorities of India will look back on the returns of the literature of 1872 with regret, and would be willing to compound by the presence of obscenity and idolatry for the absence of political rancour and rebel incendiarism.

ART. VI.—THE NORTH CACHAR HILLS AND THEIR INHABITANTS.

LYING to the north of the district of Cachar proper is a tract of country known as the North Cachar hills. It is quite unknown to the general public, and has only been explored by a few Government officers, but there are few parts of India which are more beautiful and interesting to the naturalist from the number of new specimens which are to be found there, and to the philologist from the number of almost unknown tribes and languages which are met with daily.

The country is about fifty miles long as the crow flies from north to south, and about the same distance from east to west; but in travelling across it the distance would be nearly trebled, as the paths are very circuitous, and many mountains must be ascended and descended. The boundaries on the north and east are the Diyung, Langting, and Jhiri rivers, beyond which we have the independent State of Munnipoor and the Naga hills; on the west the boundary is the Kopili river, and on the other bank lies the Jowai sub-division of the Khasia Hills. Besides these it is intersected by the Madura and Jatinga rivers, which flow into the Barak in Cachar, and the Mahur which flows into the Diyung and so into the Brahmaputra on the Assam side. The country is a mass of hills—in some places of not more than 1,000 feet in height, in others swelling into mountains with an altitude of 6,000 feet. The highest peaks are on the line of hills which separates North Cachar from Munnipoor, where they average between 5,000 and 6,000 feet. In the centre and west of the district there are few peaks of more than 3,000 feet.

The scenery is of the most varied and beautiful description. The rivers are mostly filled with waterworn boulders, sometimes of very large size, and sometimes worn away to mere pebbles, among which the water in the dry season winds its way in so many little rivulets, while in the rains it comes down in an almost irresistible torrent. The rivers are generally shallow, but here and there widen into deep pools overhung by lofty precipices, all bright with hill bamboos, ferns and moss, while the water is so clear that every stone can be seen to a depth of at least six feet. There is no such thing as a plain except towards the west, where there is a large stretch of level land which has been cultivated by the Mikirs. Occasionally a bit of level ground may be found on the river banks, but only here and there. The hills are covered on the tops with a kind of evergreen oak, and lower down with nageshar, jharoil, and other timber trees. In places

there are great numbers of a tree they call *karam*, which grows to a great size; it very much resembles a plane tree. This forest is intermingled with patches of bamboo and grass jungle which have sprung up where the land has been *joomed*. Here and there magnificent views may be found, but the paths generally pass through dense jungle in which little can be seen. The view from the top of Nenglo, a Naga poonjee, is, perhaps, as good as any. The peak is one of the chain of hills which divides the valley of the Jhinam from the valley of the Jhiri. The country here seems like some vast sea which has been suddenly transformed into earth, so various are the shapes and sizes of the mountains. No village is to be seen, nothing but dense forest, with a clearing here and there, which marks the site of an old *joom*. On the east the eye reaches far into the mountains of Munnipoor, on the west nearly to the Khasia hills, and on the south to the plain country of Cachar. It is only on the north that the view is at all confined, and even there the country of the Angamee Nagas can at times be seen. The forests are full of life, but are so dense that beasts and birds are more often heard than seen. Among the larger animals rhinosceros and wild elephants are found in parts; tigers, leopards, bears, sambur and barking deer occur more or less abundantly in most places, and monkeys (*huluks* and *lungoors*) are found everywhere, and a large kind of black squirrel is common; among the birds the greater and lesser hornbills are very conspicuous, while jungle fowl and kaleege pheasants are to be met with in most places. The rivers swarm with fish of which the mahseer is, perhaps, most abundant.

The population is about 35,000, consisting of Nagas, old Kookies who may more properly be called Tipperahs, new Kookies, Cacharies, and Mikirs. The Cacharies are most numerous, and the Mikirs fewest; the latter are only found in a few villages to the west. A Naga poonjee is always a long street of long low thatched houses with roofs touching the ground on either side, round which stray pigs and fowls innumerable. All the road is strewn with stones erected to the dead, on which their descendants sit in the evening and drink their rice-beer. Some of these stones are very curious; they are supported by three or four smaller stones placed as uprights, and exactly resemble an ancient British cromlech on a small scale. The Nagas calculate the greatness of their ancestors by the size of their tombstones. One Naga in showing his grandfather's grave was most proud to tell that it cost more to bring it to its place than any other tombstone in the village. Occasionally a stake may be seen fixed in the street in front of a house, from which hangs the skull of a freshly killed metna or buffalo; this is a sign that a death has taken place, and the beast has been sacrificed. To a very rich man

three or four buffaloes will be sacrificed, to a very poor man only a pig, while in all cases as many of the neighbours as possible are feasted. At each end of the village, generally on the highest point of land, stands a dekha chang, and if the village is large, there is occasionally a third in the middle. The village is generally surrounded by gardens in which grow sugarcane, almonds, and wild raspberries, and a little apart from the dwelling-houses stand the rice golahs in a place by themselves to avoid the danger of fire. Round all is generally a slight attempt at a stockade, while across the path is a ditch with a plank thrown over it which serves as a drawbridge. The dekha chang is the great institution of a Naga poonjee, it is a kind of guard-house where all the young men of the place keep watch at night and spend the greater part of the day. It is built in the same way as the other houses, but is a good deal larger and higher; in front are raised seats where the greater part of the village assemble in the evening and drink rice-beer, while the young men practise running and jumping, and putting the stone, of which they are very fond. Inside it is fitted up with benches arranged in the form of two squares, and in the middle of each a fire is constantly burning. Round the walls are ranged their spears, daos and shields made of bamboo wicker-work, plain or covered with a bear's hide. Above, fastened to the rafters, are innumerable skulls of buffaloes, metnas and wild boars, which have been killed in the chase or sacrificed, while from the rafters hangs a basket full of cups made of bamboo, each with a little ladle inside from which they drink rice-beer, while in the background are generally a few pigs and two old women perpetually grinding flour from rice for the manufacture of beer. During the night a watch is kept and the streets are regularly patrolled by the young men. The dekha chang is also used as a guest house for the reception of any friendly strangers who may visit the village. The women have also a house of their own called the dekhi chang, where the unmarried girls are supposed to live; only very young children live entirely with their parents.

The Nagas are a very religious people and will do nothing of importance without sacrificing a fowl or pig, or offering up some eggs or beer. Certain parts of the forest are supposed to be the abode of deities, and no traveller passes without plucking a branch off the nearest tree and putting it on a large heap of former offerings, which is surrounded by a number of egg-shells stuck on sticks and bones of animals that have been sacrificed. But, like all savage tribes, their worship seems to be directed to the averting an evil rather than the attainment of a good.

For dress both men and women wear a cloth curiously bordered and marked with triangular-shaped patches of red and black,

which they weave from cotton of their own production. The men wear it tied round their waists, leaving an end hanging down in front only, while the women wrap it round the body. Both men and women wear bracelets and armlets of brass, and earrings of brass, from which hang beetles' wings, feathers, bits of straw, leaves, flowers, or anything that looks bright and pretty. The men wear bands of cane round the leg just below the knee, and both sexes wear necklaces of coloured cane, beads, or pieces of conch shell. In one tribe the women when they are dancing, wear circlets of coloured bamboo on their heads, and the men have pieces of the beak of the great hornbill which project on each side of their face like horns.

Their dances are very pretty. They all come down in procession, led by their band, which consists generally of a drum or two and a pair of brass cymbals; this is followed by the men carrying the tail feathers of the great hornbill all dressed in their best, and sometimes with their legs painted white; lastly, come the girls led by the eldest and gradually dwindling down to small creatures of about seven. They are all dressed exactly alike and walk in regular order; when they reach the dancing place, they divide into two parties, each led by two or three men followed by girls. They seem to have a great variety of dances; new ones are to be seen in every village. Each dance has its own peculiar song which is chanted by the whole village.

Their war-dances are very savage performances. They are generally danced by the older men, who are supposed to know more about such matters. Each man is armed with his spear and the large shield, at the top of which he carries a quiver full of *pangis*, i.e., small sharpened stakes of bamboo which they stick in their path during a retreat. One of these dances represents a fight and retreat, another a bear-hunt, and one is supposed to be danced after a victory when they come home in triumph with the heads of their enemies which are placed in the middle while they dance round them. The whole proceeding invariably winds up with a "Ho" or shout. They begin very slowly, each side repeating "ho;" this gets gradually faster till they get into a perfect whirl of excitement, yelling as only savages can and throwing their spears into the air.

They have hardly any brass or earthen vessels; everything is made of wood. A man may often be seen hacking at a large log with his dao to make a single plate, and they use bamboo chungas to cook their rice and also for bringing water. They have no cattle at all and only a few goats, buffaloes or metnas, which they keep entirely for their flesh, as they do not drink their milk or use them in ploughing. Their cultivation is entirely by jooming, and they prefer grass or bamboos to forest jungle. A joom is generally cultivated for three years, when it is

deserted and a fresh site selected. In the jooms rice, cotton, pepper, and pumpkins are all grown simultaneously, and each is reaped as it grows ripe. A small quantity of tobacco is sometimes grown; but they smoke very little, and only use it now and then for chewing. Their only tools are the dao, a rough kind of axe, and a short-handled hoe.

The Nagas never come into our courts, as serious crime is very rare among them and they settle petty disputes among themselves; in every village there is a headman (and sometimes two) called the ganboora; he is assisted by a counsellor called maithai. Each village has its own boundaries, and they exact rent from any other Nagas who may venture to joom within their limits, though they do not interfere with Kookies or Cacharies.

They are a very merry lively race, and very inquisitive; they never tire of examining one's clothes and tent, and they have the gift, rare enough among natives of this country, of being thoroughly able to appreciate a joke.

A Kookie village is built rather differently from a Naga village. The houses are nearly square and generally built on a machan, under which the fowls and pigs live. The fronts of the houses are adorned with skulls and skins of animals and bills of the hornbill. There is no dekha chang; the women may generally be seen in front of their houses weaving or making purries of raw cotton. The Kookies, (we refer to the new Kookies only) came from the south of Cachar, about 1850, from whence they were driven by the continued attacks of the Lushais. There is not much between them and the old Kookies, who are Tipperahs and seem to have come to the country about 70 years ago. The principal tribes are the Thadoo, Changsan, Sairem, Klangem, Oiboo Hulang, Laichang, Ghalte, Chilu and others, but there is very little difference between them, as they all intermarry and speak the same language. The proper dress of a Kookie is a large square sheet which is thrown loosely over the shoulders; this is still the dress worn in remote villages, but most of the Kookies in the plains have taken to wearing a *dhuti* as well. The women wear a cloth tied across the breasts and going down to the knees. Both men and women distend the lobe of the ear by inserting pieces of bamboo till it is about two inches in width, and then they insert a large silver ring shaped like the tire of the wheel of a railway carriage, while they sometimes wear a bead of cornelian in it. They have necklaces of cornelian and amber which are valued at immense prices; these are not often given to the women who are obliged to content themselves with common beads of which they wear as many as they can get.

At a marriage poojah is performed and much spirit is drunk for three days. The bride is always sold by her father; in a late instance

two gongs, a metna, and forty rupees in cash were paid for a Kookie girl, and this is by no means an unusual price. The Kookies never have more than one wife, who has to do nearly all the work of the house; the women are valued more for their working powers than their good looks. After a death the body is generally kept for some days above ground before it is buried, while all the village feasts; a trophy is erected over the grave, covered with horns and skulls of animals. The great desire of a Kookie is to accumulate as many gongs and metnas as possible. They attach absurd prices to these gongs; fifty to a hundred rupees is a common price, but a much higher price is occasionally paid for old renowned gongs, some of which have been handed down as heirlooms for many generations. A metna is worth on the average about forty rupees.

The Kookie system of theology is peculiar. Their principal gods are Pathin and Nungjai; these deities are propitious and supposed to live in the Bhuban hills in Cachar. The spirits who are hostile to man, are Koushi, Pilha, Guamkan the god of the forest, Tukan the household god, and Pasaim—a deity which strikes men dead. After death the Kookies become Alhar, which appears to mean a disembodied spirit, though its primary sense is the life; it is supposed to be situate in the liver. After spending some time in this state, they turn into butterflies and are at last dissolved into water, a very hopeless future to look forward to. Their government is strictly aristocratic; in every village there is a housha or king, and a houshanuya, or councillor; the former receives tribute from every house and has a share in every animal killed in the chase; the office is hereditary. They cultivate by jooming, always picking out the most dense forest jungle they can find; they say that where the nageshar tree grows most plentifully they get the best crops; they do a great deal of damage to the forests. They will eat almost anything, except, perhaps, dogs, which the Nagas are so fond of, and they cannot do without their beer which they manufacture for themselves.

The old Kookies or Tipperahs are rather more civilised; they seem to have come to the district some 60 or 70 years ago. Their principal tribes are called Kelma, Bete, Rangkol, Sanchurai, Morshai and Ranglon, but there is very little difference between them; their headman is called Ghalim, and the next in rank Kabor. Their dances are very uninteresting; one man capers about while the rest sit round in a circle, singing songs in an old dialect which is little understood now-a-days. For musical instruments they have a kind of pipe made of bamboos attached to a gourd; they also knock bamboo chungas against the ground and beat a metna's horn with a stick. Gongs are occasionally used. The men while dancing sometimes carry a dao, and stick a plume of the feathers of the blimraj into the

knot of hair at the back of their heads. The women are always smoking a peculiar kind of pipe ; the smoke is drawn through a small bamboo chungu which contains water, and this, when well impregnated with smoke, is put into small bottles and given to the men, who refresh themselves with a nip of it every now and then. Among the Lushais, who are really Kookies, every great chief has a smoking girl attached to his suite.

The Cacharies are the most numerous of the hill tribes and look on themselves as superior to the rest, both because they profess to be Hindoos and because they formerly ruled the country. Their leading men take the title of Burman and are strict Hindoos, while the common people, whose surname is Dao, will eat pigs and fowls, and are by no means particular ; in fact, in some villages, they are very much like the Nagas. They weave a kind of cloth peculiar to themselves with a red and blue border worked in a kind of Turkish pattern. They are not very active and much given to opium eating. Each village has a headman, but he does not seem to be held in much respect. This tribe seems to have come originally from the east and must have been, if we can judge, from their old monuments which yet remain, closely connected with the Burmese. The oldest city of theirs, of which we know with certainty, is at Dimapur in the Naga hills. Major Godwin Austen has given a full account of it in the Asiatic Society's Journal No. 1 for 1874. From thence they moved down to Maibong, about seven miles west of Assaloo, where there are still remains of an extensive brick wall, with two tanks and a small stone building which was probably a tomb. There are also two stone figures lying in the jungle with a Burmese cast of features and their hair done in knots. Other remains are said to exist, but the jungle is so dense that their discovery is a work of time. Thence they moved down to Khaspur at the foot of the hills, where they founded another city ; they say they took the place from the Delhans whom they conquered and enslaved.

The Mikirs are the only remaining tribe, and they are not very numerous ; they are entirely confined to the west on the borders of the Khasia hills, where they have made large clearances. Their principal divisions are the Hamri (which is considered the best tribe), the Rangan, Kiliu, and Dumrah, the lowest of all. They say, they originally came from the neighbourhood of Gowhatty where remains of their old cities still exist, but the accuracy of this is doubtful. They weave a peculiar kind of cloth of broad red and white stripes. They are a fine set of men, much resembling the Khasias, and are very industrious and hardworking. Sons do not leave their father's house on being married, but bring their wives home with them ; many families are often found living under the same roof. Most of them profess Hinduism, but it is

in a very modified form and consists principally in abstaining from beef. They have a *dekha chang* in their villages, and burn their dead.

The previous history of North Cachar is difficult to trace, but it never seems to have been a settled country, nor to have been subject to any one king, unless, indeed, the nominal sovereignty of the Cacharies can be considered as a settled Government. It has always consisted of a series of village communities composed of people of several different tribes, and all practically independent and warring on each other at their own will. Even now in our villages no man ever thinks of going to cut his *joom* without taking his arms with him, and while the parents are away the children are carefully locked up in the guard-house.

The Nagas are the oldest settlers, if not the aborigines, of North Cachar; we find that every other tribe has traditions of having lived in some other country. The Munnipoories also have no such tradition, and they appear to be a branch of the Naga race, although they indignantly deny it themselves; their women dress almost exactly like Nagas, especially the girls who wear their hair cut short over their foreheads in a precisely similar manner to the Nagas. It is curious, too, that the king and queen of Munnipoor at their coronation are dressed in full Naga costume, and if a Munnipoori loses his caste, he has to live three years in a Naga village when he recovers it. The Angamies and the race called Koupuis by Colonel Dalton are both branches of the same stock; the latter are identical with the Nagas of the North Cachar hills, Koupui being merely their Munnipoori name. Colonel Dalton is of opinion, though he is not supported by Colonel Macculloch, that the Kookies and Nagas are of the same race, but this does not seem likely; their manners, customs, and dress are totally different, while their languages also differ materially, although it must be admitted that a close comparison will show many words common to both. Such a comparison cannot be attempted here, in fact we do not yet possess sufficient knowledge of these dialects to be able to make a comparison which would be thoroughly trustworthy, nor is an article like the present a suitable place for such a discussion; but we may briefly state that, though the affinities between the Kookie, Naga, and Munnipoori languages are such as to show a common origin, the difference as to manners and customs between the Kookies and the rest is so great that we may be quite sure there can have been little connection with the Nagas for many years. The Mikirs and Cacharies speak dialects which are totally distinct from these and of which the origin is very uncertain.

The whole country is nominally under one Government, and a tax of one rupee for each house is collected, but the sub-divisional head-quarters were removed from Assaloo in 1866, and the people

now have very little intercourse with Europeans. The Nagas certainly look upon themselves as their own masters. All the tribes might be much benefited by an improved system of cultivation and by the use of better tools, but all this is, of course, a work of time and cannot be accomplished until the country is opened out by roads.

G. H. D.

ART. VII.—INFALLIBILITY.

- 1.—*The Vatican Decrees in their bearing on Civil Allegiance : A Political Expostulation.* By the Right Hon'ble W. E. Gladstone, M.P. London : 1874.
- 2.—*Vaticanism : An Answer to Reproofs and Replies.* By the Right Hon'ble W. E. Gladstone, M.P. London : 1875.

“**E**XACTLY like a carcase” (*perinde ac si cadaver*)—this is the celebrated description of that consummate self-surrender which the founder of the Jesuits required of his disciples. It describes, however, the spirit not of the Society only, but of all who heartily and logically accept the theory of Infallibility resident in an infallible authority.

The papers at Home are complaining of the shower of pamphlets on this subject, especially in the political aspect in which it has been viewed. We may, however, risk an article in India.

The famous lucubration by Mr. Gladstone on the Vatican Decrees was the bombshell which began the explosion. The perversion, indeed, of a man of the rank and political position of the Marquis of Ripon may have brought the idea prominently before the active mind of one of his former ministerial associates ; but a man of Mr. Gladstone's reach of thought could scarcely have avoided the subject. His earnestness, his religious character, his general and theological knowledge, his foresight, naturally suggested to him such a burning question. With that ability and boldness and single-hearted devotion which distinguish him, he has launched his shell, powerful and terrible as one of the heavy shot thrown by the mighty engines of modern warfare.

A succession of explosions * has followed rapidly. Cardinal Manning, Monsr. Capel, and many others have followed with fierce and repeated answers. On the other hand some of the ancient Roman Catholic gentry have given their views, acknowledging with regret and extreme pain the difficulty pointed out in their position by Mr. Gladstone. The threat of excommunication on one of these gentlemen, and his answer to this severe sentence, have given different but equally moving results.

The two answers of Dr. Newman, whose loss to the English Church both our late and present Premier so deeply lament, have added distinct and striking elements to the tumult. “Vaticanism,” a most telling reply of Mr. Gladstone's ; the Articles on the Jesuits, and above all on the speeches of Pius IX. in the *Quarterly*—these and many other publications, beside the interminable serial and newspaper correspondence, have echoed and re-echoed

* Mr. Gladstone gives the list in his *Vaticanism*, Appendix A, p. 121.

the din of the fray. In fact, like thunder amidst mountains, the noise is still reverberating around us.

The truth is, the question of an infallible authority is, as we called it, a "burning" question. It is one in which all men are more or less interested, for it touches the cardinal idea of human responsibility. Moreover, it is one about which English people, and the nations connected with them or sprung from them, have always felt especially sensitive. It was thought also that the great movement of the sixteenth century, whether regarded as Reformative or Deformative, had at all events practically eliminated this doctrine from the common purview of the civilised world. Yet all of a sudden it is seen and felt in our midst, and appears in a moment in the most startling aspect; a new Ate with feet on earth and head in heaven, throwing the firebrands and lighting the flames of discord where they would be least expected to break out.

Men likewise feel, when they turn their eyes carefully on the unexpected phenomenon, that they ought not altogether to have been so unprepared. Hardihood of assertion, trenchant statements, claims to indubitable certainty, are filling the atmosphere of human life. Poets are turned dogmatists, philosophers are preachers, men of science or letters are sublimely positive, not only in their own special province, but in that of morals and even of theology. No wonder, therefore, that in the domains of actual religion Infallibility should show itself with the loudest self-assertion and in the most defiant attitude; and on the other hand that it should meet with the hardest opposition, and be submitted to the most searching analysis.

One other observation also might have prepared us for the claim on the part of the Roman Church, or its Curia, or its head. The Romish body has practically been contracting from Catholic to Roman, from Roman to Ultramontane from Ultramontane to Curiatric (if we may coin the term to designate the Roman Ecclesiastical Government), and from Curiatric to Jesuitical. With the old ambition of Rome, the idea of a claim to infallibility entered into the mind of the Roman Bishops. * It was heard at first in broken utterances, and contradicted again and again in the Church itself for a long season, but it developed itself with the stages briefly enumerated above. It staggered at times under the condemned heresy of a pope like Honorius; was bid to "Come down, come down, come down" by the threatening voices of the Henrys or the Fredericks of the early middle ages. It was subjected to the criticism of councils such as Constance or Basle, but it re-appeared again and again, and, though denied so late as by Roman Catholic authorities before the passing of Roman Catholic Emancipation, yet it never vanished away, and now all of a sudden, in contradic-

tion to these recent statements and at first sight to the whole idea of the time, it has at last taken definite and unmistakeable expression. The infallible Pope has declared himself infallible, and his obsequious council soon unlearned its apparent dislike of the doctrine and its opposition to the Roman aggression. And the extraordinary spectacle of a number of learned, able and devout men unsaying their professions, defying history, trampling on facts, and crouching weary and disgusted but submissive at the feet of the Pontiff, was exhibited to a wondering world, while he placed on his aged head the crown of infallibility as the crown of his life and the consummation of the world's spiritual history. From behind the Catholic came out the Roman, from behind the Roman the Ultramontane, from behind the Ultramontane the Curia, from behind the Curia the Jesuit. Roman writers have dwelt much on the theory of development and no doubt there is a great element of truth in the idea of development; but are the true canons of development observed in this process? Is it a development of life, or a process of death? What is the result—*perinde ac si cadaver*? Is it like a dead body—a real and terrible corruption of the truth, or a living speaking divine oracle? Is it the Church animated with the glorious and Holy Spirit of perfect revelation, or is it as it were a corpse galvanised to unholy and audacious assumption? Is it Christ, or a Lie?

This we believe to be the real alternative pressed upon the world by the claim to infallible authority from whatever lips it may come, and it is surely a very serious and solemn alternative. It is the sense, however vague in many quarters, of the extreme importance of the question, and the immense weight of the principle at stake, which has made the sentence of the late so-called Ecumenical Council, and the Papal confirmation of it, awaken such a commotion as scarcely could be expected in this latter half of the nineteenth century. It is this which has brought no less a man than a late Prime Minister of England, the foremost man of the country, a man at once of intense religious earnestness and of the greatest political liberality, into the controversial arena. It is this which has made the Papal claim such a trial to the noble-minded ancient Roman Catholics in England. It is this which has summoned Dr. Newman again out of his retired and solemn quiet to provide some explanation or defence for the startling addition (as we must call it) to his Creed. This has changed Döllinger, the most learned of German Roman Catholics, from a fervent supporter into a patient and persevering antagonist. The movements in Switzerland, the Falk and other laws in the German Empire, the conflict between Romanism and Bismarck, the measures used by him unparalleled in this century against any form of religious belief, the

hesitating and anxious gaze of men on the painful strife ; the Old Catholic endeavour to re-constitute a Catholic Church in its primitive constitution and character ; the bitter hatred with which it is pursued—fines and imprisonments and exile for recalcitrant maintainers of the new doctrine, if indeed it be new,—all these and other phenomena turn our minds persistently toward this subject, which we propose to consider chiefly in its moral aspect. Its political character is in higher and abler hands, and perhaps here in India affects us less than if we were in the midst of the home turmoil. Our sketch must necessarily be most brief and imperfect.

We feel as members of the English Church that we make no pretence to any infallibility ourselves.* Indeed, we stand almost alone in distinctly disclaiming for ourselves or others any such assumption as is more or less laid claim to by Greece and Rome, and implicitly by most of the Protestant denominations. We enjoy our prerogative of humility in this respect, and perhaps are better able to discuss the matter simply and argumentatively because of the lowly but truthful standing-point from which we ourselves gaze upon it.

We propose then to consider ; *firstly*, what the claim of infallibility really is ; *secondly*, what the moral consequences are which follow upon it ; *thirdly*, why the apprehension of these consequences so engages men's minds, and gives such overwhelming interest to what might be regarded as a mere scholastic question, as when men debated how many angels could stand on a needle's point, or as a question foreign to ourselves and from which we might stand aside and leave the combatants to fight *à outrance* with one another, while we contemplated the scene from the calm heights of indifference, as the spectators in the Coliseum looked down on the arena and the ten thousand combatants "butchered to make a Roman holiday."

It has been epigrammatically stated by a modern sceptical writer† that "orthodox Christians at the present day may be divided into two broad classes, one of which professes to base the Church upon the Bible, and the other the Bible on the Church." His attempt is to show that both are in error ; but he implies that in both cases there will be a claim to infallibility ; this is, however, to draw a conclusion which we would reject, and it should at once be observed that a real claim to infallibility implies in its very nature that it is made by a person or persons, whether singly or collectively. Those who base the Church on the Bible, and those who base the Bible on the Church, may both be able to give reasons for their faith, neither in reality need they be inconsistent. There is no doubt that the lines of the Church

* See Articles 18 and 21.

† *Supernatural Religion*, Introd., p. xvii.

are laid down in the Bible and that so far the Church is based on the Bible, and on the other hand there is the witness given by the Church to the Bible, the testimony that it is the Word of God, which has its worth and power. The two arguments are not contradictory statements in reality but converging arguments, and meet to strengthen and corroborate one another. Not, however, if they are joined to the claim of infallibility ; then indeed they may be held to exclude one another. If I hold that I can infallibly interpret Scripture, then I shut out the Church. If the Church holds that it can infallibly interpret the Scripture, it supersedes it in reality, but not else.

The idea, therefore, of infallibility residing or deposited upon earth, involves the idea of an infallible person or persons,* who are singly or collectively an infallible authority, so that on any question whatever within their province in which they claim infallibility, they can infallibly pronounce on the truth or falsehood of any statement, the right or the wrong in any question of duty.

But another observation is necessary,† viz., that the infallible authority should know the certainty and be the measure of his own infallibility. Suppose a man calling himself infallible takes his Bible into his hand, and is perfectly sure that he can infallibly interpret it, he may make the strangest errors and show the utmost ignorance of the language, but when he gives his decision, he does it as an authority to which all must bow in all matters of belief and conduct.

Now, let us see the claim of the opposite extreme. We cannot do better than take the words of the Vatican Decree‡ which Mr. Gladstone has quoted in the original Latin, of which we give the translation. " We teach and define it to be a divinely revealed dogma, that the Roman Pontiff, when he speaks *ex cathedra*, i.e., when, in discharge of the office of pastor and teacher of all Christians, he, by virtue of his supreme Apostolical authority, defines that any doctrine regarding faith or morals must be held by the Universal Church, is endowed, by the Divine assistance promised to him in St. Peter, with that infallibility with which the Divine Redeemer willed that His Church should be armed in defining doctrine regarding faith and morals. Therefore the definitions of the aforesaid Roman Pontiff are irreformable of themselves and not on account of the consent of the Church."

Here, again, it has been justly observed that this is not a

* It is persons and rules that are infallible, not what is brought into acts or committed to paper.

Newman's *Grammar of Assent*, p. 218.

† An infallible authority is certain in every particular case that may arise. P. 218.

‡ *The Vatican Decrees*, p. 16.

constitution made by the Council but promulgated in it, and that by the person himself who claims the power on his own sole prerogative; and, moreover, that the apparent limitation of its *cathedra* is in reality unmeaning, as he who is to pronounce can infallibly assert that he is competent to decide infallibly when he ought to speak. It can in reality only mean that he must be speaking seriously and with an intention to decide, not making an observation or cutting a joke.

The claim to infallibility is not wholly a new claim, as both its impugnors and defenders have pointed out. Nay, its assignation personally to the Pope of Rome is, we should say, apparently the very first object of all the manuals either of theology or canonical law put into the hands of the Roman clergy for their instruction and guidance. The whole system impressed upon them seems imbued with this one predominant idea. We have before us one of these compendia of the canon law and we find the inculcation of this truth "cropping up," often unexpectedly and out of the general connection, in every discussion and in every chapter. Thus even ecclesiastical law itself and its necessary existence are based on this infallibility; not the reverse, as would at first seem natural.* Ecclesiastical law is also necessarily *just* when the ecclesiastical legislator is divinely infallible in the government of the Church. Hence another Papal writer defines the canon law itself to be a code of laws established by the authority of the Pope, by which the faithful are guided to the proper object of the Church.†

It need scarcely be added that all other laws, civil and common and international, are inferior and subject to the canonical as defined above. It is, moreover, sufficient that any law made by the Pope should be published at Rome. It is then universally binding. The opinion that Papal laws are not binding unless received by the Churches (as maintained, *e.g.*, by Febronius) is an abomination. For it is to be held that all Papal laws are binding, before any acceptance, by the power of Divine institution.

Hence it follows that any concordats between the Court of Rome and a sovereign can only have a one-sided obligation. They are mutual contracts which bind by the law of nature and the law of nations, but by Divine right concordats depend on the supreme power of the Supreme Pontiff, who, therefore, alone can grant, modify, interpret them, and judge of their sincere fulfilment.‡ Hence even canonical law itself when natural, although confirmed by a concordat, must give way if necessary.§ The Pope can cancel it through the power which is inherent in him, and which he cannot

* *Corpus Juris Canonici*, by Maupried, vol. i., p. 17.

† Bouix *Tract, de princ.*, p. 63.

‡ C. J. C. Maupried, 69.

§ C. J. C. Maupried, 99.

abdicate. But it may be said, there is the body of the Church and its ministry—a ministry even by the statements of Rome of divine origin, and which the Pope himself cannot abolish. Again, this body and ministry might be collected together in representation and become an Ecumenical Council, and this Council, as it itself pronounced when held at Constance, might hold itself superior to the Pope and claim infallibility against him.

This, therefore, must be put down by declaring that the Council can only legally exist as convoked by a Pope, and that none of its decisions can be binding in opposition to the Pope, nor without his approval and expressed confirmation.

Hence it follows at once that the Council can only be a kind of nimbus about a Pope's head. He is the absolute ruler and judge; the ministry and the body of the faithful can only lend a glory, not any force whatever to his decisions. He is the faithful, he is the ministry, he is the Council. He personally is the one sole infallible authority.

Let us then take the definition of infallibility, now that we have seen that, even with such a vast collective body, it claims and must claim to be centred in one person. It is essentially a personal claim. We choose the definition given in the compendium which we have used.

"Infallibility is that prerogative of knowing and teaching perfectly certain truth without any danger of error. God alone, who is Supreme Truth, is infallible by nature. The infallibility of the Church therefore is not human. It is nothing else than that very infallibility of God, who reveals and entrusts His truth to His Church, who with and by the Church interprets, defines, and teaches truth as revealed by God Himself. The Pope and his Councils are not infallible as men, but as ambassadors, sent by God, rejoicing in the assistance of the Holy Spirit Who with them and by them defines and teaches, and cannot permit them to err in teaching, for then God Himself, which is a blasphemy to utter, would be the author of error. Wherefore the Pope and Ecumenical Councils, the teaching Church, are infallible with the infallibility of God."* But as Ecumenical Councils have no real voice, except by and through the Pope, it follows that the Pope is the teaching Church, and is infallible with the infallibility of God.

This sounds sufficiently startling, but it is the regular and accredited teaching of the manuals and compendiums and all the books of canonical jurisprudence of theology and casuistry which have been favoured at Rome for many years. But while it lay hid in these times, and was only quietly inculcated, denied from time to time, as in the English debates about Roman Catholic

* Vol. i., 151.

emancipation, whenever it seemed necessary to dissimulate, then repeated again in the instruction of youth and the education of the ministry, it did not startle men much. If re-called publicly for consideration at any time, it was viewed as a thing of the past, a dream which had never been realised, or an antiquated claim which was never intended to be seriously used.

But after two or three notes of preparation, notwithstanding the reclamation of the ablest and most learned men in the Romish Church, and in spite of the doubt and amazement of the civilised world, it was proposed in the most startling shape for the universal acceptance of men. A so-called Ecumenical Council was convoked to give it not force indeed but dignity. On that Council, recalcitrant at first, it was eventually forced. It has been announced and proclaimed to be the crowning glory of the present Pontiff. He stands before the world as crowned with the "Infallibility of God," and his Church must intellectually stand before him *perinde ac si cadaver*, silent and swaying at his motion as a dead body.

We have chosen one or two solemn statements and affirmations, in which the claim to infallible authority is put forth. It would be perfectly endless work to multiply them, for it is singular how in all modern Roman teaching, every argument and discussion runs up and down into the most trenchant and startling reiterations of this Papal infallibility—all is grounded in it, all power springs from it and returns into it. Not only does it show itself solemnly in these and similar treatises, in Curias and Councils and on the actual Cathedra; but it can gambol and sing and joke about itself without the least relaxation of its intensity.

Mr. Gladstone has done good work in this point; for this aspect of the claim makes men feel that it is intended to be now a real power whether of life or death, if it can possibly become so. When men prattle on any subject to children, and joke with men about it, and make it the constant theme of answers, speeches, harangues, it is plainly occupying their minds and desires. "Out of the fulness of the heart the mouth speaketh."

It is well, then, that the sayings of the present Pope have been produced, that the direct personality of this claim, and the intention of him who claims it to apply it, may be fully understood.

"We had already and often seen infallibility in full dress in peacock's plumes, infallibility fenced about with well-set lines of theological phrases, impenetrable by us the multitude, the uninitiated. He has shown us infallibility in the closet, infallibility in dishabille, infallibility able to cut its capers at will, to indulge in its wildest romps with freedom and impunity."*

* *Quarterly Review*, January 1875, p. 301, attributed to Mr. Gladstone.

It can only be a matter of great moment which brings such an expression of grim humour on the usually severe austerity of Mr. Gladstone's face, and it seems to us that we owe him a real debt of gratitude for having brought forth the claim out of its quiet seedplot into the sight of all workers in the world's great field, that we may really understand what is at work amongst us. "A little leaven leaveneth the whole lump."

We have thus partly fulfilled our first object, *viz.*, the ascertainment of what the claim of infallibility really is, and have seen that it must be absolute and concentrated in a person, but in order to appreciate it more exactly and grasp it more completely, another observation is necessary.

Roman writers maintain that the infallibility of the Church is to be understood in a double sense, as Active and Passive. "The active infallibility is that which, according to God's promise, the Chief Pontiff, as the successor of Peter and the Vicar of Christ, and the Bishops taken as a College, that is, with the Pope their head, defining and teaching, enjoy. Passive infallibility is that by which all the Church, all the faithful, by believing everything that active infallibility teaches, are preserved from error by the grace of the Holy Spirit. First, the Bishops enjoy this infallibility in their individual teachings by teaching conformably to the Church's doctrine. All the faithful possess the same infallibility, by believing conformably to the doctrine of their pastors and the Church."*

Here also we see that each prelate and each individual possesses infallibility as a personal prerogative, but it is oddly called a *passive* endowment. We do not, however, wish to discuss those points at present, nor to chop logic or split straws. The idea is evidently that which Dr. Newman calls certitude, which he implies can only be the inheritance of Romanists. His tests are that it follows on investigation and proof, that it is accompanied by a specific sense of intellectual satisfaction and repose, and that it is irreversible.† Surely, the accomplished author cannot deny that men whom he would denominate heretics, that an Anglican, a Baptist, a Hindu, a Brahminist, may and do declare unflinchingly and to the last that they possess this certitude, and that their certitude can stand these tests perfectly. There is no such qualification as Dr. Newman's in the modern Roman teaching; personal obedience to a personal instructor is all that is required.

Dr. Newman in his reply to Mr. Gladstone has a curious disquisition upon conscience and its authority. He places it apparently

* Maupried, C. J. C, i. 154.

† *Grammar of Assent.*

before the Pope,* but seems to indicate that in fact the two cannot come into collision, because the Pope lays down general rules, while conscience judges in particulars. But as the Pope, according to Dr. Newman, must decide in *detail* in faith and morals, his statements seem scarcely self-consistent.

His chapter on conscience is both powerful in itself and interesting to us, because his old face and form re-appear in it. He cannot shake off Bishop Butler. That Anglican theologian and his grand argument on conscience emerges from time to time, and often unexpectedly, in Dr. Newman's writings, and in the midst of the storms and waves of controversy. *Alto prospiciens summâ placidum caput extulit undâ.*† We always greet the vision with intense satisfaction, although it seems to us sometimes out of harmony with the argument which the writer is maintaining. It reminds us of his ability and originality, of his devotion to truth, and of the ancient days when his words seemed to us well-nigh oracular. It always counts as an evidence in our favour, however he may deny the consequence.

But in the modern teaching of Rome, under the influence, it is believed, of what Dr. Newman himself called "an insolent and aggressive faction," there seems to us no room in passive infallibility for any such qualification or limitation. The claim is not to certitude, as we think, in Dr. Newman's sense but in that of the Roman Manuals, i.e., absolute and untested certitude—the certitude, in a word, of persons who are certain that they cannot be wrong. *Roma locuta est, causa finita est.* I need not argue or reason; I have only to be moved *perinde ac si cadaver*.

The Pope speaks, the Bishop echoes, the Priest re-echoes, the layman *passively* acquiesces, and is sure that he is right. Such seems to us the modern Roman notion of infallible authority, now made an absolute article of faith which must be believed on pain of eternal damnation.

We have next to consider what are the moral consequences of this dogma. The political have been admirably summarised by Mr. Gladstone, and brought out more and more clearly in the whole controversy. It would not be becoming for us to venture on this discussion, when such statesmen and politicians have been arguing it out. We only profess to treat—and that of necessity in a most imperfect way—of some of the *moral* results; but before we can do this, we must endeavour to bring out upon the stage an important practical factor in the theory. We have no space to trace the development of the dogma, to go through the several

* See Newman's letter to Duke of Norfolk, p. 89 and p. 74, where he says:—"Certainly, if I am obliged to bring religion into after-dinner toasts

I shall drink—to the Pope if you please; *still* to Conscience first, and the Pope afterwards."

† Virg. *Æn.* I.

stages which we mentioned, the Catholic, the Roman, the Papal ; we must satisfy ourselves with the last which we mentioned, *viz.*, the Jesuitical. It has been observed by a late writer on this matter that there are now in the Roman obedience four parties, which correspond to the stages which we have enumerated. Whether they can live long together as a "happy family," remains yet to be seen. The old Catholics, whom the first party mentioned much resembles, by their separation and excommunication indicate a great and serious and growing incompatibility. However, we are trespassing out of the lines of our subject.

For, in order to trace the moral effects of the dogma, we must revert to the last stage in the process. The Jesuit hides behind the Pope's chair, but he is felt to be there. Now and then there is a little game of bo-peep, and the Jesuit shows himself, but he retires again as soon as possible. Still he is believed to influence the Pope, and to have increased infinitely in influence lately. The last two dogmas pronounced by the Pope—two more crowns, as his flatterers whisper, added to the triple tiara—are with general consent attributed to the inspiration of the Order. The books placed in the hands of theological students, and introduced into Ultramontane schools, are composed by or written under the tuition of Jesuits. Manuals for confessors come from the same source.

Now it is especially in such works, especially those first named, that we must look for the moral consequences of which we are in search. We cannot therefore avoid the Jesuit. It is true that the Society before now has come into collision with the Papal authority. Two very able articles in the *Quarterly Review* have given a sufficient sketch of its constitution and principles, and have pointed to the Chinese and Japanese and other Missions, in which rulings, briefs, messengers, legates, even a Cardinal legate of the Pope have been treated with the most persevering resistance and even scornful opposition and persecution by the members of the Order in those countries. The histories of Palafox and Cardinal Tournon are alone sufficient to demonstrate this and to divulge the opposition to the Pope in painful and shameful colours.

But the cardinal instance is the condemnation and abolition of the Society by Pope Gangarnelli (Clement XIV). The Society has endeavoured to explain away this infallible utterance. Bulls and briefs alike are utterances *ex cathedra*, and the sentence was given in a Papal brief, but the Jesuit writers sometimes allege that it was only a brief, sometimes that the Pope was surprised, sometimes that he published it against his conscience. Still it stands in the records of history, and was even sent to and confirmed by the Roman Church in general, if that could by any possibility

give further force to the Pontifical sentence. But the writers of the time were not scrupulous, nor have their followers been more so. "Sacrilegious and parricidal" were the words which they used of Gangarnelli. The abuse of his act, the prophecies of his approaching and immediate death sounded loud round the Vatican. The writer in the *Quarterly Review* has expressed his astonishment that the able German author * whose History of the Jesuits is his theme, should revive the idea of his death by poison. The Reviewer's argument is able, but not so comprehensive as we could have wished. First, he omits to state that there is a suspicious circumstance in the Opinion of the physician Salicetti, who opened and examined the Pope's body. He pronounces for natural causes, but adds that he had before suffered at times from aberration of mind, as if the Jesuits were persuading him to justify their condemnation of the Pope's sentence upon them by assigning to him these occasional fits of craziness in one of which they would argue he ventured on their suppression. The Reviewer mentions also the ambassadors of Spain and Naples as contradicting the idea, but he omits to refer to the curious letter of the French ambassador,† who speaks in most ambiguous terms, and declares to his master that he will send a full account of the Pope's death in another letter, which letter is lost, and apparently was never made public. Nevertheless, the arguments against are stronger than the arguments for poison, and if even there was poison, there is no real evidence for ascribing such an act to any particular person.

It was the expressions and tones of the Jesuits themselves before and after Gangarnelli's death more than any direct evidence which brought upon them the terrible rumour. But these are now things of the past, and though one of Gangarnelli's successors is said to have replied, when questioned about favouring the Jesuits, that he *remembered* Clement XIV, yet this also seems apocryphal, and certainly no one for a moment would even dream that any such motive of fear in any way actuated the present Pope. It is not by terrors that he would be influenced. On the contrary, he seems a willing and ready—shall we say head, or instrument, to the Society in its present movement. He appears to exult and triumph and almost sing for joy at the honour which he has conferred upon himself, as he was elevated with the idea that the Blessed Virgin would be especially flattered by the new honour which he had assigned her. But the dogmas of the Immaculate Conception of the Virgin, and of the Papal Infallibility are especially the objects of the Society; so that at all events for the present there would be harmony between the Pontiff and the General.

* M. Huber.

† Cardinal de Bernis.

Hence we may gather the moral consequences of the last mentioned doctrine from the teaching of the modern theories of Jesuits, as both their own and those of Rome in general.

The first consequence then of the assumption of infallibility, must be that of unlimited self-confidence. In one of his pamphlets on this subject, Mr. Gladstone has collected some of the titles which the Pope takes to himself, or which he approves of others assigning to him. In the January article of the *Quarterly* the writer produces from the speeches of Pius, published with authority by Don Pasquale, assumptions of names, dignities and offices, which not only comprehend all earthly authority, but absorb those of prophet, priest, king, of Christ, of God Himself. We must refer to the article for the designations in which these pretensions are made, but our object at present is to show how curiously the claim of the Jesuit for his Society corresponds to these infallible self-assertions of the Pope.

One has said (an assailant, indeed, of the Order, but on strong evidence) that not only do they teach that their Company is the chief ornament and most precious jewel of the Church, so superior to all lay and clerical perfection that even the other religious Orders are by its side only "dead relics of past ages,"* but that the Church could not exist without it. The distinctions between the two are but mere accidents, there is a kind of hypostatical fellowship between them, the Pope and the General make one person. It follows that the Company participates in all the promises to the Church, and is infallible.† But these, it may be said, are the accusations at least of an assailant. Take then the Company's own words. There is a book which is named *The Image of the first age of the Society*.‡ Let us make some extracts from it. "The Synod of Trent thought Laynez not a man speaking from the pulpit, but a Prophet sent from heaven." "Suarez is the common master of the age." "See these heroes of God and religion amidst lightnings and conuscations and the fierce height of storms, amid the crash of thunderbolts, as it were receiving and even inviting the whole weight of heaven on themselves. They are born and come forth as helmed warriors, as said the prophet Isaiah, 'A helmet of salvation on the head.'" "As God spake with Moses face to face, so spake He with Ignatius. How most like is he to Christ! There is no difference between the Society of Jesus and that founded by the Apostles. It is no new Order—only the renovation of the old. Hence the first and greatest miracle of the Society is the Society itself, and therefore it contains within itself the sum and number of miracles which

* Francisco Pollico, p. 92.

† Gioberti il J. M. iv 28.

‡ Published A. D. 1640, p. 621.

are wrought by God and can be expected from the Society. It is the Society of Angels—human angels—new angels. The members of the Society are rivals of angelic purity, altogether joined to God their origin. O holy Society ! thou vanquishest and precedest sandals, or pastoral staves, mitres, the cardinalial purple, sceptres, empires, crowns. We may apply the prophecy of the royal prophet concerning Zion (that is, the Church of God) to this least Society of Jesus. ‘Glorious things are spoken of thee, thou City of God.’ The Society of Jesus spread over the world fulfils the prophecy of Malachi. Jesus is the first and chief founder of the Society.”

To multiply these quotations would be burdensome, and we shrink from reproducing more than a mere specimen of what in our ears has a ring of blasphemy ; but it is necessary to produce one or two of later date, lest the spirit which breathes in the passages already produced should seem merely a spectre out of long-buried ideas. And, perhaps, as the Pope seems especially to parallel himself with prophets, Apostles, Christ himself, when talking of his afflictions and (so-called) *persecutions*, we may see the same pretensions in the Jesuit when he is suffering what he denominates persecution, or is speaking of any such afflictions or trials coming in past time upon the Society, even though it is a Papal hand which launched them.

“Some minds know no other way of assisting truth and justice, except open war, public disputes, secret plots. Christian prudence knows better that Divine plan, by which ‘Sovereign Wisdom,’ sweetly ordering all things, reaches mightily from end to end ; that Divine patience which is never wearied ; that Divine force of love and goodness, which is the worthiest and most efficacious weapon for winning glorious triumphs over human hearts ; that Divine economy which endures the tares that it may not ruin the good wheat ; that *recondite craft*,* in short, taught by Jesus Christ, which consists in setting before us as our one end the glory of God in the salvation of men, and as the means to this end, humility, patience, constancy, generosity, even if need be to pour out our own blood for God and men. See how superior to nature are these principles of prudence and strength.”

“Our lot is the Apostolical. Chosen for this by the Church and the Spirit of Christ which we teach in our rules, you never see us make use of dishonest management, interested intrigues, cabals, vile time-servings. But you may see us humbled, envied, calumniated, and yet in despite of this, blessed by all, exalted by all. Wherefore ? Beause patience, charity, truth, have achieved the triumph and glory of God. Hence the Company shows how it is joined with Him (*i.e.*, Christ on the Cross) by its perpetual and

* Fran. Pellico. Qualla recondita astuzia infine insegnata da Jesu Christo.

straitest harmony with the Church. It suffers for righteousness' sake and he lies who finds fault with it. Hence it can speak of its marvellous and consolatory resemblance with its Divine Leader, and mounts its Calvary with Christ to give the most perfect exhibition of generous humility. Its obedience is that one of the 'counsels' of Gospel morality, in which the 'Deny yourself' is fulfilled. It illuminates the world as to the wisdom of Christ by practising it, and giving an example of it—the living image of the Nazarene."

The parody of the "sublime self-assertion" * of Jesus seems to us too painful for us to produce more passages, as might be done without limit or stint.

We have, we think, justified our statement that in Pope or in Jesuit the claim of infallible authority must produce a most dangerous and blinding self-assertion—not the reality, but the counterfeit of humility.

On the same assumption there must plainly follow the claim of unhesitating and unquestioning obedience. That this was and is the claim of Rome, we need produce only the classic and famous sentence of the "Unam Sanctam" Bull, repeated so interminably in all the modern manuals. "Moreover, we declare, assert, and define and pronounce that for any human creature to be subject to the Roman Pontiff is wholly of necessity of salvation."†

But what we wish to observe is that in a measure this power has passed behind the Pope into other hands. The Brief of Paul III. mentioned in the *Quarterly* ‡ has taken the power of dominion to a great extent out of his hands and passed it to the General of the Company; and yet not to him absolutely, for through the curious system of checks and counterchecks by which the General himself is kept fast to the principles of the Society, the ultimate authority is with the Jesuit *quod* Jesuit.

What then is the obedience to this authority? Let us take the famous words of the founder:—"Let us speak of holy obedience; this let all labour to observe to the uttermost; not only in matters obligatory, but in others also, if nothing be visible but a sign from the Superior without any express command. We should keep before our eyes God, our Creator and our Lord, for whose sake obedience is given to man, and we must take heed to move in the spirit of love, not with perturbation of fear, so that we all may labour with constant mind to omit no part of perfection,

* Dr. Liddon's Bampton Lectures on this point in our Lord's character.

† Porro subesse Romano Pontifici omni humanæ Creaturæ declaramus, docemus, definimus et pronuntiamus

omnino esse de necessitate salutis. Boniface VIII. A. D. 1304.

‡ *Quarterly*. The Jesuits, p. 295 October 1874.

which we can obtain by Divine grace in the absolute observance of all the constitutions, and in fulfilling the peculiar *system** of our institute. Let us then direct most exactly all the nerves of our strength to this virtue of obedience to the Superiors of the Society, that in all things to which obedience in love may reach we may be most ready at his voice, as if it came forth from Christ Himself, since we render obedience to His substitute and for love and reverence toward Him, and this in any matter, and this in a letter begun by us but not yet left complete, directing in the Lord our whole power and intention to the end that holy obedience may be perfect in us always, both in execution and in will and in understanding, fulfilling whatever is enjoined upon us with speed, spiritual joy and perseverance, persuading ourselves that all things are just to us; denying every opposing sentiment and judgment of our own with a certain blind obedience; and that in all things directed by the Superior, where it cannot be defined (as is said) that some kind of sin intervenes. And let everyone convince himself, that they who live under obedience should let themselves be borne and ruled through their Superiors by Divine Providence, as if they were a carcase, which lets itself be dragged away any whither and in any way, or like an old stick, which serves him who holds it in his hand to use it in any way that he pleases."

So in another part of the Constitutions, after bidding the members yield absolute obedience to the Superior as to Christ, forbidding all doubts and murmurs, the legislator commands them to labour for a complete inward resignation and abnegation of their own will and judgment, conforming their will and judgment altogether and in all things (where sin is not perceived) to what the Superior wills and thinks, proposing to themselves the will and judgment of the Superior as the rule of their will and judgment; that they may be more exactly conformed to the first and supreme rule of all good will and judgment, which is Eternal Goodness and Wisdom.

These directions to obedience are comprehensive and forcible, and yet there is a very solemn and serious limitation in this original constitution. The obedience is to reach to all things to which it can reach with "Love." Again the perception of an intervening sin is twice made a distinct exception.

With this exception the disciple is to become as an old stick or a dead body to his own will or judgment. This exception reminds us of the equally solemn limitation to obedience made by Dr. Newman when he maintains the prerogative of conscience. We doubt not he holds it, as Ignatius appears to have held it, without gloss and without reserve.

But, however this reserve may suit or seem necessary to Ignatius or Dr. Newman, it does not suit the modern Jesuit. He has to work according to his motto for the greater glory of God. "Others may labour for God's glory," or even His great glory. But the Jesuit is to have a special superiority. Hence, indeed, as has been often noticed, he takes his name as if in a peculiar sense belonging to Jesus. As the Reviewer shows, this title was objected to by much of the Romish world and the religious societies at the time when it was first selected, but it has remained and shadows out the modern idea that the Jesuit is the only true representative of Jesus, the embodiment for active purposes of the Church and the Papacy.

Unfortunately, there appears marginally in the Constitutions an explanatory note which declares those things to which obedience with love can reach to be those things in which no sin is *manifest*, or in which there may be no manifest sin. But blind obedience and obedience as of a stick or a dead body, seems to withhold all powers of intellectual or moral judgment. Hence there is really a contradiction theoretically in the original Constitution. Obedience is to be both absolute and limited. But the word *manifest* has a convenient ambiguity. Thereby the obedience to the Superior becomes absolutely unlimited in practice.

The three great teachings of the modern Jesuit—denominated probabilism, mental reservation, and the justification of the means by the end—can prove that sin, though suspected, is not *manifest* in any direction of the Superior. He stands in the place of God. He is practically infallible. Absolute obedience therefore is required. You must obey as an old stick or a dead body, blindly, unreservedly. Yea, if God Himself requires only a "reasonable service," the Jesuit must ask more, an unreasoning service, a blind submission *perinde ac si cadaver*. Conscience must submit, and hand over its power to the Superior. If it objects to any of his commands, it must obliterate itself. It must commit the appointed and promised moral suicide.

Let us not imagine that because this authority is lodged in Rome, in the Pope and General should they agree, in the General behind the Pope should they disagree, therefore this claim to infallibility is of no general concern, nor the obedience which it requires confined to its chiefs, or at most diffused through the members.

There is the *passive* as well as the active infallibility. It spreads from its source through the collective episcopate, from the Bishop to every minister, from every minister to every individual. The system of education and of direction diffuses it over the whole surface of the Roman world. It seems to leave no alternative between absolute submission and absolute rejection. All the

"blindness" and antagonism to "reason" involved in the original authority must extend to all who are comprehended under, and participate passively in it. Surely, this is a very serious moral result. It must have, as it has had, an overwhelming tendency to separate faith and morality, external acquiescence from the inward life of love. It seems to leave no alternative between atheism and extreme Ultramontaniam. It appears even to aim at doing so.

A second moral tendency will also be connected with that blind obedience, and that passivity which constitutes its infallibility according to the present Papal theory. It is impossible that truth can be regarded by its teachers as of paramount importance. What Arnauld, what Pascal have said on this point, the world will not forget. Their words are indelible. They have, indeed, been questioned by the defenders of the Company, or by its authors. But the evidence of the correctness of their extracts and references from the previous Jesuit writers is overwhelming.

Consider only one word which we have quoted—"the recondite craft" triumphantly claimed by the Jesuit author himself, likened apparently to the wisdom of Christ or the uncreated wisdom of God. How much is involved in this word, how passive may it leave morality in all questions of life, how may it practically obliterate the troublesome power of conscience, how many anodynes may it invent for a troubled spirit, how many actions are there for which it may quote some probable authority when the mind is revolting from them, what deed can it not justify and glorify if the end be the greater glory of God, that greater glory which the fathers seem to imagine depends on the dominion of their Company.

The fact is that when this awful claim is made, and one man sets himself by another and that second looks upon his companion as infallible, *i. e.*, really as God, there must be of necessity a great and grievous confusion, and then are sure to arise endless needs for those "softenings" * and deceptions implied in the probabilism and mental reservations and justification of the means by the end which are found in the Jesuit system.

Another consequence seems inevitable at least in theory, that is, the duty of persecution. It is not the claim to truth, nor the announcement of a Divine revelation, but the assumption of infallibility in the preacher, which has lighted the flame and sharpened the sword of bigotry. As long as anyone, whether individually or collectively, announces truth, but without claim to infallibility, he can and will bear with those who differ from him. He who knows his own fallibility and that of all men, who believes that "God is true, but every man a liar," understands the awful responsibility which he undertakes, when he asks his brother to submit to the Gospel which

* *Amollissements.*

he preaches. If his brother rejects it, he can and will grieve, but he cannot persecute.

But if he is infallible, and he is persuaded that he has a right to dictate to his brother, and that brother will not listen, then he sees before him a rebel against God and the order of God's kingdom, whom he has a right to denounce and condemn, and whom he ought to prevent from contaminating others.

This claim to secular coercion for the good of souls came in with the claim to infallibility and grew with it. Into what horrors it developed, history records too sadly. It took possession of the mind of the Church for many ages. It was only cast out with difficulty and by degrees. It still remains throughout the Roman world—in abeyance indeed, but only forced abeyance. This, however, being necessarily mixed up with politics, has been pointed out and proved by Mr. Gladstone and others. It cannot, indeed, be really contested that the claim to coerce is made and repeated and gloried in by Rome, however it may be unable to avail itself of it.

Again, if the spirit of those who, reckless of consequences and despising everything but the end, "compass sea and land to make one proselyte"* must be regarded as it is spoken of by Christ, is there any thing more certain than that this spirit must actuate those who claim infallibility, whether it be active, or whether it be passive?

Are facts against the claim? So much the worse for the facts. Is history contrary to it? Obliterate history—conceal the demand when it would be dangerous or ridiculous. Produce it when it may possibly win a convert.

Let everything really remain the same, "*sint ut sunt aut non sint*," but let there be some variety in the outward appearance or in the expression which might otherwise be repellent, or which may look like progress and movement. Galvanise the dead body that it may seem to smile or speak. But let it not be inwardly altered. To all such demands let the perpetual reply be "*non possumus*." Let neither laity nor ministry nor episcopate nor papacy nor the very General himself be able to effect any real alteration in its principles or in its practice.

There are two great qualities of the obedience required, let these be retained and let the rest go. These two are stated in this code to be blindness and death. Let conscience be out-argued with probabilism, cheated with mental reservations, persuaded that the end will be justified by the means; and blindness and death may remain, but where is the Spirit of Life and Liberty?

The process by which the modern converter aims at his purpose is often as follows. Do you believe in the Church as Christ's body? Do you believe that the Spirit is in it? Do you acknowledge that

* S. Matt., xxiii, 15.

the Spirit must be able to express itself infallibly? Can there be any infallibility except in a Person? Can that Person be any but the Pope? He therefore is infallible, and as such must be implicitly obeyed. Does the controversialist add—Let the obedience be blind, let it be as the movement of a dead body dragged on the ground? These questions are not put in this shape, but they are involved in the arguments, dressed up with fair colours, softened off with anodynes. Do not consider the difficulties, do not mind the distinct historical contradictions. All will be made clear in time, only pledge yourself irrevocably. If the Pope support us, let him while free in the Vatican call himself prisoner and name himself Christ on Calvary. If he opposes us, let him be Judas in Gethsamene. It is necessary that he should be infallible that he may speak our words, because we are and will remain infallible. Such seems the modern argument of Infallibility.

Several men have gone over to Rome lately whose departure has made a sensation. Let us not evade or shirk from the avowal. Hardheaded lawyers in one or two cases, a statesman of some note, several among the aristocracy, a small number comparatively from other classes, have gone from among our compatriots. Yet the number of Romanists is diminishing and will diminish.

We believe that Mr. Gladstone has done most excellent service by bringing the real nature of the step into some degree of light. It must have been a great trial for a liberal statesman of the very highest rank, with his political views and party, to step forth into the arena, and descend into the necessary jangle of words and arguments and all the disquietude of controversial strife. But the importance of the question and its real universality more than justify him; they require from us all a thankful acknowledgment. He has fought the battle well, we think triumphantly. Indeed, like the warriors who sprung from the dragon's teeth, his adversaries seem continually to destroy one another. Those also who at first jested at or disparaged or objected to his pamphlet, have almost universally learned to admire and value it. The spirit which he seems to us to be opposing, is that *der stets verneint*.* It can accept no advice, nor listen to any reason, nor advance with the time, nor regard facts. It must wrap itself up in itself, and should it even attempt to make some new revelation, it can only show itself in some new light. The new light which it sheds on itself, can, however, only reveal new secrets of blindness and death. For it is blind obedience and obedience as of a dead body that it proclaims to be the summit of perfection.

We have, of course, no intention to charge any individual with

* Goethe's *Faust*, p. 50.

the consequences which flow from this dogma of infallibility. We believe that men cannot really obliterate their consciences. We are confident that their practice is different from their theory.

Nevertheless, the history of the world proves that there is a great and inexorable logic in all theories. That logic brings the conclusions out which are involved in the system of any party, and when any favourable opportunity for the unhappy consequences shows itself, they come into startling and energetic operation.

Malaria may float in the air unfelt and unperceived, but it is always dangerous, and when any derangement of the human system is exposed to it, the pestilence breaks out at once. This unwholesomeness of the dogma, and of the system of which it forms a part, are what Mr. Gladstone has so strongly brought to light. We trust that men will take warning in time, before they have begun to trifle with themselves and their conscience and their truthfulness. They will not then so easily be entangled in that faulty chain of argument of which we have given a specimen. They will not so easily be beguiled by the pretence to unity and the claim of certainty as advanced by Rome, which seem temptations to some people. They will consider more to what assumptions they are about to commit themselves when they submit to an infallible authority. Instead of that Holy Spirit of Life and Light and Truth running down "through the great sea of being,"* they will have to submit to a spirit of blindness and darkness and death, according to its own chief theorists. Men may well pause before they commit themselves to such a change when they know its real character. Many also who have been brought up to some extent under its influence will see that, with whatever pangs, they must leave it because the Truth is not in it.

* Per lo gran mar del essere. *Dante L'arad.* I. 119.

ART VIII.—CRIMES AND PUNISHMENTS UNDER HINDU LAW. BY H. R. FINK.

"PUNISHMENT is an active ruler ; he is the true manager of publick affairs ; he is the dispenser of laws ; and wise men call him the sponsor of all the four orders for the discharge of their several duties."

"Punishment governs all mankind ; punishment alone preserves them ; punishment wakes, while their guards are asleep ; the wise consider punishment as the perfection of justice."—*Menu*, Chap. vii., v. 17-18.

THAT portion of Hindu law which deals with crimes and punishments, though probably the most interesting, is least likely to attract the attention of the student at the present day. It finds no place in the system of law administered in our courts, and, unlike the rules relating to Inheritance and Property, it has scarcely any practical value to the Indian lawyer. It occupies, however, considerable space in the old metrical code of *Menu* ; and to anyone interested in the inquiries which of late years have been made into the early history of delict and crime, it presents a wide and interesting field for speculation.

The Hindu penal code may be said to differ more from archaic than from modern criminal law. In tracing the growth of penal law in ancient codes, Sir Henry Maine notices certain broad characteristics which distinguish it from systems of mature jurisprudence. One of these is the great disproportion between criminal and civil law. "It may be laid down," he says, "that the more archaic the code, the fuller and minuter is its penallegislation. In the Teutonic codes, the civil part of the law has trifling dimensions as compared with the criminal. The traditions which speak of the sanguinary penalties inflicted by the code of *Draco*, seem to indicate that it had the same characteristic. In the *Twelve Tables* alone, produced by a society of greater legal genius and at first of gentler manners, the civil law has something like its modern precedence ; but the relative amount of space given to the modes of redressing wrong, though not enormous, appears to have been large." Hindu law, however, does not present this precedence of criminal over civil law. The law of persons, the law of property, and of inheritance, and the law of contract, which make up, in the words of Sir Henry Maine, "nine-tenths of the civil part of the law practiced by civil societies," cover a very large amount of space in Hindu jurisprudence. But it is chiefly in the character of Hindu criminal law, that it differs more from archaic than from modern systems. In the ancient codes, the law was not true criminal law. It was, as the author of '*Ancient Law*' maintains, the law of Torts (*delicta*) rather than the law of crimes.

The distinction between offences against the State or community, which is the leading idea in criminal law, and injuries or torts to the individual, is pretty well recognized at the present day. In the penal law of ancient communities, this distinction so far disappears that offences which are treated in modern codes exclusively as crimes, are there treated exclusively as torts. "The person injured proceeds against the wrong-doer by an ordinary civil action, and recovers compensation in the shape of money damages if he succeeds. If the commentaries of Gaius be opened at the place where the writer treats of the penal jurisprudence founded on the Twelve Tables, it will be seen that at the head of the civil wrongs recognised by the Roman law stood *Furtum* or *Theft*. Offences which we are all accustomed to regard exclusively as crimes, are exclusively treated as torts; and not theft only, but assault and violent robbery are associated by the juriconsult with trespass, libel and slander. All alike give rise to an obligation or *vinculum juris*, and were all required by a payment of money. This peculiarity, however, is most strongly brought out in the consolidated laws of the Germanic tribes. Without an exception, they describe an immense system of money compensation for homicide, and with few exceptions, as large a scheme of compensation for minor injuries. 'Under Anglo-Saxon law,' writes Mr. Kemble (*Anglo-Saxons*, i, 177), 'a sum was placed on the life of every free man according to his rank, and a corresponding sum on every wound that could be inflicted on his person, for nearly every injury that could be done to his civil rights, honour or peace, the sum being aggravated according to adventitious circumstances.' If, therefore, the criterion of a delict, wrong or tort be that the person who suffers it, and not the State, is conceived to be wronged, it may be asserted that in the infancy of jurisprudence the citizen depends for protection against violence or fraud, not on the law of crime, but on the law of tort." In Hindu law, on the contrary, the law of tort seems almost wholly merged in the law of crime. Damages or money-compensations to the injured individual, give place to punishments, except in a very few cases. Punishment alone is the end of all justice. The idea that an infringement of the rights of the individual, tends directly to the insecurity of the State, runs all through the sacred text, and is so far paramount that the claims of the individual are lost sight of, while those of the community are rigorously maintained. "If the king," say the Institutes, "were not without indolence to punish the guilty, the stronger would roast the weaker like fish on a spit; (or, according to one reading, the strong would oppress the weaker like fish in their element); the crow would lick the clarified butter; ownership would remain with none; the lowest would overset the

highest. The whole race of men is kept in order by punishment ; for a guiltless man is hard to be found : through fear of punishment, indeed, this universe is enabled to enjoy its blessings ; deities and demons, heavenly songsters and cruel giants, birds and serpents, are made capable, by just correction, of their several enjoyments. All classes would become corrupt ; all barriers would be destroyed, there would be a total confusion among men, if punishment either were not inflicted or were inflicted unduly. But where punishment, with a black hue and a red eye, advances to destroy sin, there, if the judge discern well, the people are undisturbed." But this idea is only subordinate to the higher teaching that Brahma formed in the beginning of time the genius of punishment with a body of pure light, his own son, even abstract criminal justice, the protector of all created things. This genius, or as he is called *Varuna*, is the lord of punishment ; he holds a rod even over the king, who though the chief magistrate is subject to him. " Where, therefore, another man of lower birth would be fined one pana, the king shall be fined a thousand, and he shall give the fine to the priests or cast it into the river ; this is a sacred rule." All infringements of right, therefore, are crimes and not torts. There are, however, a few exceptions to this rule. In all cases of hurting a limb or fetching blood, the assailant shall pay the expense of a perfect cure ; or, on his failure, both full damages and a fine to the same amount. In the case of theft of less than ten cumbhas of grain, the thief shall be fined eleven times as much, and shall pay to the owner the amount of his property. He who injures the goods of another, whether acquainted or unacquainted with the owner of them, shall give satisfaction to the owner and pay a fine to the king equal to the damage. " For mixing impure with pure commodities, for piercing fine gems as diamonds or rubies, and for boring pearls or inferior gems improperly, the fine is the lowest of the three amercements, but damages must always be paid." These seem to be the only instances in which compensation to the individual is sanctioned, in addition to the punishment inflicted. With these few exceptions all infringements of right, which in modern times are punished by the State as crimes, and also entitle the sufferer to civil damages, are treated in Hindu law exclusively as crimes. Torts are almost wholly unknown. Punishment, therefore, and not money-compensation, is the only method prescribed for redressing wrongs ; and it is worth remarking that in the few instances in which both forms of redress may be had, Hindu law does not provide for each a separate process ; for it is the magistrate alone, who simultaneously punishes the offender on the one hand, and on the other awards damages to the injured person. But punishment enters so very largely into the Hindu scheme of legal

remedies, that it will be found to invade a class of cases, which, in modern law, falls neither under the head of crimes nor that of torts. Breaches of contract, for example, are punished as crimes; and hence the trader who through avarice breaks his promise, runs the risk, not of paying damages, but of encountering the policeman's baton. The law provides in such a case that he shall be arrested and either banished from the town, or fined in a large sum of money. The non-performance of moral and social duties, and sins also, fall under the rod of the magistrate. There are various other peculiarities in this portion of Hindu jurisprudence, which the reader may at once discover by a reference to the table of offences which I have annexed to this paper. Meanwhile it may be observed, that in considering the age and authorship of the code ascribed to Menu, the peculiarities which have already been noticed, will probably be found to furnish data of some value. Sir Henry Maine, in his theory of the primitive conception of crime, resorts chiefly to early Roman law and the Teutonic codes, as furnishing among bodies of archaic secular law the only reliable materials for philosophic speculation. He says that the "Hindu code called the laws of Menu, which is certainly a Brahmin compilation, undoubtedly enshrines many genuine observances of the Hindu race, but the opinion of the best contemporary Orientalists is, that it does not as a whole, represent a set of rules ever actually administered in Hindustan. It is in great part an ideal picture of that which in the view of the Brahmins, ought to be the law. It is consistent with human nature, and with the special motives of its authors, that codes like that of Menu should pretend to the highest antiquity, and claim to have emanated in their complete form, from the deity. Menu, according to Hindu mythology, is an emanation from the supreme God, but the compilation which bears his name, though its exact date is not easily discovered, is, in point of the relative progress of Hindu jurisprudence, a recent production." The question is an important and interesting one, and if any portion of the metrical code, furnishes internal evidence towards its solution more valuable than another, it is *that* which deals with crimes and punishments. The whole law on the subject I have roughly classified under the following heads: (1) Offences against the State; (2) false evidence and offences against public justice; (3) offences relating to property; (4) criminal breach of contract; (5) defamation; (6) offences against religion; (7) offences affecting the public health, safety, &c.; (8) offences relating to marriage; (9) gaming; (10) criminal intimidation and insult; and (11) offences affecting the human body.

Punishments under Hindu law are regulated apparently by an almost immutable scale, which leaves little or no discretion to

the judge. The natural result of this is, that the criminal code presents in many instances an arbitrary splitting up of one offence into various degrees of criminality, to each of which an appropriate punishment is fixed and appointed. Taking the case of theft for example, we find that punishments varying from forfeiture of life to simple fine are inflicted in a variety of specified instances, which differ from one another only in the kind of property stolen, or the rank and caste of the person who suffers by the offence. Corporal punishment is prescribed only in the following cases: (1) theft of gold from a priest; (2) theft of commodities usually sold by weight, or more than a hundred head of cattle, or gold or silver, or costly apparel. There is, again, a particular fine for theft of corn, pot-herbs, roots, and fruit unenclosed by a fence, while a different fine is prescribed for the theft of thread, raw cotton, materials to make spirituous liquors, cow-dung, molasses, curds, milk, water or grass, large canes, baskets, salt of every kind, earthen pots, clay or ashes, fish, birds, oil or clarified butter, flesh-meat, honey, or anything such as leather, horn or ivory, or other things not precious, or spirituous liquors, rice dressed with clarified butter, or other messes of boiled rice. A better illustration of this may be found in the instance of perjury, in which different fines are prescribed for the offence, according as it is committed through covetousness, or distraction of mind, or terror, or friendship, or lust, or wrath, or inattention, or ignorance. False evidence as to village boundaries, is apparently accounted an offence less heinous than false evidence as to the boundaries of arable fields, wells or pools, the fine for the former being 200 panas, and for the latter 500 panas. Punishments are also regulated according to the rank or caste of the offender. "Where a man of lower birth would be fined one pana, the king shall be fined a thousand," say the Institutes, "and he shall give the fine to the priests or cast it into the river: this is a sacred rule. But the fine of a *Sudra* for theft shall be eightfold, that of a *Voisya* sixteenfold, that of a *Oshatriya* two-and-thirtyfold, that of a *Brahmin* four-and-sixtyfold, or a hundredfold complete or even twice four-and-sixtyfold, each of them knowing the nature of his offence." The highest consideration, however, is manifested throughout the Hindu penal code for the sacerdotal class; and not only is the rigour of the law softened down against the Brahmin, but various provisions exist for securing to him rights which cannot be claimed by the other classes. "Let a just Prince," says the sacred text, "banish men of the three lower classes if they give false evidence, having first levied the fine, but a Brahmin let him only banish." "Menu, son of the self-existent, has named ten places of punishment which are appropriated to the three lower classes, but a Brahmin must depart from the realm

unhurt in any of them." "Ignominious tonsure is ordained instead of capital punishment for an adulterer of the priestly class where the punishment of other classes may extend to loss of life." "Never shall the king slay a Brahmin though convicted of all possible crimes; let him banish the offender from his realm, but with all his property secure, and his body unhurt. No greater crime is known on earth than slaying a Brahmin, and the king, therefore, must not even form in his mind an idea of killing a priest." "The Brahmin who is travelling and finds his provisions scanty, shall not be fined for taking two sugar canes or two esculent roots from the field of another man."* One of the peculiarities however in the Hindu doctrine of punishment is, that it is pronounced a clear atonement for the sin of the offender. It seems natural that the Hindu lawgivers should have thought temporal punishments sufficient, without adding eternal punishment in the future life for the same offence. Hence Hindu law teaches the doctrine, that temporal punishment once inflicted on an offender of any class entitles him to blessings in the future life, or, as the text has it, "he goes pure to heaven and becomes as clear as those who have done well."

Ancient law furnishes proofs that the earliest administrators of justice simulated the probable acts of persons engaged in a private quarrel. "In settling the damages to be awarded," says Sir H. Maine, "they took as their guide the measure of vengeance likely to be exacted by an aggrieved person under the circumstances of the case. This is the true explanation of the very different penalties imposed by ancient law on offenders caught in the act or soon after it, and on offenders detected after considerable delay." But there was, apparently, an object in this simulation of the acts of the

* "Let the king not, although in the greatest distress for money, provoke Brahmins to anger by taking their property; for they, once enraged, could immediately by sacrifices and imprecations destroy him with his troops, elephants, horses and cars. Who without perishing could provoke these holy men, by whom, that is, by whose ancestors under Brahma, the all-devouring fire was created, the sea with waters not drinkable, and the moon with its wane and increase? What prince could gain wealth by oppressing those who, if angry, could frame other worlds and regents of worlds, could give being to new gods and mortals? What man, desirous of life, would injure those by the aid of whom, that is,

by whose oblations, worlds and gods perpetually subsist; those who are rich in the learning of the Veda? A Brahmin, whether learned or ignorant, is a powerful divinity, whether consecrated or popular. Even in places for burning the dead, the bright fire is undefiled; and when presented with clarified butter at subsequent sacrifices, blazes again with extreme splendour. Thus, although Brahmins employ themselves in all sorts of mean occupation, they must invariably be honoured; for they are something transcendently divine." Menu, ix. 313—319. The law could scarcely have any terror for a class so supremely blest.

injured person, which Sir H. Maine does not notice. The reason why a heavier penalty was inflicted on offenders caught in the act was, that a greater inducement would thereby be offered to the aggrieved party not to take the law into his own hands and inflict summary vengeance on the offender. In the infancy of society it is an important object to the legislator to induce an injured person to have recourse to the public tribunals instead of righting himself, that is to say, constituting himself both lawgiver and judge.* The fact however remains, that punishments were so adjusted. "Some strange exemplifications of this peculiarity," says Sir H. Maine, "are supplied by the old Roman law of theft. The laws of the Twelve Tables seem to have divided thefts into manifest and non-manifest, and to have allotted extraordinarily different penalties to the offence, according as it fell under one head or the other. The manifest thief was he who was caught within the house in which he had been pilfering, or who was taken while making off to a place of safety with the stolen goods; the Twelve Tables condemned him to be put to death if he was already a slave, and, if he was a free man, they made him the bondsman of the owner of the property. The non-manifest thief was he who was detected under any other circumstances than those described; and the old code simply directed that an offender of this sort should refund double the value of what he had stolen. In Gaius's day the excessive severity of the Twelve Tables to the manifest thief had naturally been much mitigated, but the law still maintained the old principle, by mulcting him in fourfold the value of the stolen goods, while the non-manifest thief continued to pay merely the double. The ancient lawgiver, doubtless, considered that the injured proprietor if left to himself would inflict a very different punishment when his blood was hot, from that with which he would be satisfied when the thief was detected after a considerable interval." In Hindu law, almost the same distinction exists between theft in the presence of the owner and secret or clandestine theft. The punishment inflicted on the robber who is detected with the implements of robbery, is more severe than for theft in the absence of the owner.† "Let not a just prince," say the Institutes, "kill a man convicted of simple theft, unless taken with the mainer or with implements of robbery, but if any thief be taken with the mainer or with such implements, let him destroy him without hesitation." This measurement of punishment, according to the probable rise and fall of the passion of the injured person, is manifest

* See *Gaii Juris Commentarii* *Quatuor*. Edited by Edward Poste, M.A., p 376.

† "If the taking be violent, and in

the sight of the owner, it is robbery; if privately in his absence, it is only theft." *Menu*, viii., 332.

in the provision that fixes a smaller penalty for the thief, if there is any relationship existing between him and the owner of the stolen property.* "I wish it could be said," says Sir H. Maine, referring to the Roman lawgivers, "that their method of legislation is quite extinct. There are, however, several modern systems of law which, in cases of graver wrong, admit the fact of the wrong-doer having been taken in the act to be pleaded in justification of inordinate punishment inflicted on him by the sufferer—an indulgence which, though superficially regarded, it may seem intelligible, is based, as it seems to me, on a very low morality."

The modes of punishment under Hindu law do not betray that excessive amount of barbarity and cruelty which characterize the sanguinary codes of Greece and early Rome. Although the scale of penalties is rigidly fixed, and scarcely any discretion is left to the judge, nothing is more striking than the merciful provision in the code of Menu, which directs that the criminal shall be dealt with, first by gentle admonition, afterwards by harsh reproof, thirdly by deprivation of property, and after that by corporal pain. The punishment of death is applied to a comparatively limited class of cases. The mode of capital punishment is prescribed only in the case (1) of adultery, when the adulteress is to be devoured by dogs, and the adulterer burnt on an iron bed; and, (2) in the case of misappropriating lost property, when the offender is to be trampled to death by an elephant. It is somewhat remarkable that with one exception, the punishment of imprisonment is nowhere prescribed in the code of Menu for any particular offence. "As Varuna most assuredly binds the guilty in fatal chains, thus let the king, representing the genius of water, keep offenders in close confinement:"—a passage which alone contains any sort of direction on the subject. But, apart from what may be inferred from this general and vague direction, it would seem that imprisonment, as with the early Romans, was not a mode of punishment to which the Hindu legislators gave much encouragement. But a difficulty arises when we find that the sacred text directs the placing of 'all prisons near a public road where offenders may be seen wretched or disfigured.' Among the Romans and the Athenians, the prison which was to be found near the Forum, was used only as a place of detention, until the criminal was brought to trial; but this can scarcely be said of the prisons spoken of in the code of Menu. There is no doubt that for certain offences no particular manner of punishment is prescribed in that code, and it is probable that where the king had a discretion left to him, imprisonment was one of the modes of punishment intended to be resorted to. There is more distinctness, however, in the punishment of banishment as spoken of in Hindu criminal law. Of this there are three kinds: (1) where

* Menu, Chap. viii., v 331.

the offender retained his possessions, but was obliged to depart the realm ; (2) where all his possessions were confiscated and he himself was banished ; and, (3) where he was branded on the forehead or some visible part, and wandered away both homeless and friendless. Among the Romans the *interdictio aquæ et ignis* was at first self-imposed by the criminal, who was bound by sureties to appear and stand his trial before the people. He was at liberty to withdraw into exile before the trial, and the *interdictio* had effect, as in the case of Cicero, within certain prescribed limits. Under the Emperors it became a judicial punishment. This resembles the first form of banishment under Hindu law, and has its counterpart also in the *Atimia* of the Greeks. But neither the Roman nor the Athenian jurisprudence furnishes anything like the third form of banishment mentioned above. After branding on the forehead with a hot iron, the following is the sentence pronounced by the Institutes on exiled criminals :—“ With none to eat with them, with none to sacrifice with them, with none to read with them, with none to be allied by marriage to them, abject and excluded from all social duties, let them wander over this earth. Branded with indelible marks, they shall be deserted by their paternal and maternal relations, treated by none with affection, received by none with respect : such is the ordinance of Menu.”* The Hebrew tradition describing the punishment inflicted on Cain, strangely corresponds with this sentence ; making the first criminal in history a fugitive and a vagabond on the face of the earth, and bearing on his forehead, as some writers think, an indelible mark. The idea that the mark set on Cain was as a miraculous or talismanic sign for the protection of his life, is evidently a clumsy reason fixed upon by the writer of the narrative to account for a practice, which was probably connected with one of the most ancient of all forms of judicial punishment. But by far the largest number of crimes is met in Hindu law with the infliction of a fine, of which 1,000 *panas* is the highest, 500 *panas* the mean, and 250 *panas* the lowest. It may at first sight be supposed that the fines inflicted are by way of damages or compensation to the party injured, but one or two passages in the sacred text leave it beyond doubt that they are intended to be appropriated solely by the king. Singularly enough, the king’s riches, accumulated by fines, are strictly directed to be left as a legacy to the priests after his death,—a fact which may account for their very liberal infliction all through the code. Corporal punishment by whipping is also prescribed in some cases ; while branding and mutilation of the limbs and other degrading punishments, are inflicted with that wantonness which is observable not only in ancient criminal law, but in systems of comparatively recent times.

* Menu, ix, 238-239,

Table of Crimes and Punishments under the Code of Menu.

Book.	Verse.	OFFENCES.	PUNISHMENTS.
OFFENCES AGAINST THE STATE.			
IX.	275	Opposing the king's command ...	Death.
"	232	Encouraging or adhering to the king's enemies ...	Death.
"	"	Forging a Royal edict ...	Punishments discretionary with the king. Fine of 1,000 panas.
"	275	Robbing the king's treasure ...	
"	280	Breaking open the treasury or arsenal ...	
"	234	Illegal acts by ministers of State ...	
VIII.	400	Fraudulent evasion of the payment of tolls by a seller or buyer of goods ...	Fine amounting to eight times the value of the goods.
"	399	Export of goods under embargo or against the king's right of pre-emption ...	Confiscation of the whole property.
FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.			
VIII.	120	Giving false evidence through covetousness ...	Fine of 1,000 panas.
"	"	Ditto ditto ditto distraction of mind ...	Fine of 250 panas.
"	"	Ditto ditto ditto terror ...	Fine of two mean amercements=1,000 panas.
"	"	Ditto ditto ditto friendship ...	Fine of four times the lowest amercement=1,000 panas.
"	"	Ditto ditto ditto lust ...	Fine of ten times the lowest amercement=2,500 panas.
"	"	Ditto ditto ditto wrath ...	Fine of three times the mean amercement=1,500 panas.
"	"	Ditto ditto ditto inattention ...	Fine of 100 panas.
"	"	Ditto ditto ditto ignorance ...	Fine of 200 panas.
"	257	Ditto ditto as to village boundaries ...	Fine of 200 panas.
"	263	Ditto ditto ditto arable fields, wells or pools ...	Fine of 500 panas or the mean amercement.

"	108	Giving false evidence as to a debt, followed by speedy misfortune to the witness ...	Payment of the debt and a fine.
"	107	Witness in cases of loans failing to attend after summons ...	Payment of the debt and a tenth part as a fine.
"	36	False claim to lost property ...	Fine of an eighth of his property or a small proportion of the value of the goods.
"	59	False claim or false denial of a debt ...	Fine of double the amount claimed or denied.
"	139	Admission of a debt; or, in case a debt is denied and afterwards proved ...	Fine of 5 per cent for the former, and 10 per cent for the latter.
"	58	Laches in filing plaint ...	Corporal punishment or amercement.
"	176	Forcible recovery of a debt ...	Fine of quarter of the debt.
IX.	234	Illegal acts by a Judge ...	Fine of 1,000 panas.
"	258	Receiving bribes ...	Death.
"	271	Harboursing robbers ...	Punishment as for theft.
"	272	Omission by a public servant to apprehend robbers ...	Banishment with his cattle and utensils.
"	274	Omission to give assistance against robbers and plunderers ...	
		OFFENCES AGAINST PROPERTY.	
VIII.	314	Theft of gold from a priest...	Corporal punishment by the king.
"	319	Theft of the rope or the water-pot from a well ...	Fine of one <i>mushka</i> of gold, and restoration of the property.
"	320	Theft of more than ten <i>cumbhas</i> of grain or less than ten <i>cumbhas</i> ...	Corporal punishment for the one, and for the other a fine of eleven times as much, and payment to the owner of the amount of his property.
"	321	Theft of commodities usually sold by weight, or more than a hundred head of cattle, or gold, or silver, or costly apparel ...	Corporal punishment.
"	...	Theft of more than 50 <i>palas</i> or less ...	Amputation of the hand for the one, and a fine of eleven times the value for the other.

Table of Crimes and Punishments under the Code of Menu.

Book.	Verse.	OFFENCES.	PUNISHMENTS.
VIII.		OFFENCES AGAINST PROPERTY.—(Contd.)	
"	323	Theft of diamonds and rubies	Death.
"	324	Theft of large beasts, weapons or medicines	Proportionate punishment.
"	325	Theft of kine or other cattle belonging to a priest	Loss of half of one foot.
"	326	Theft of thread, raw cotton, materials to make spirituous liquors, cow-dung, molasses, curds, milk, butter-milk, water or grass, large canes, baskets of canes, salt of every kind, earthen pots, clay or ashes, fish, birds, oil or clarified butter, flesh-meat, honey, or anything such as leather, horn, or ivory, or other things not precious, or spirituous liquors, rice dressed with clarified butter, or other messes of boiled rice	
"	330	Theft of as much as a man can carry, of flowers, green corn, shrubs, creepers, small trees or vegetables enclosed by a hedge	Fine of twice the value of the commodity stolen.
"	331	Theft of corn, pot-herbs, roots and fruits unenclosed by a hedge	Fine of five raticas of gold or silver.
IX.	333	Theft of the above when prepared for use	Fine of 100 panas, if there be no relationship between owner and taker, and 50, if relationship exists, Fine of 250 panas.
"	293	Theft of implements of husbandry, weapons or medicines	
"	277	Theft from the person (cut-purse)	Punishment according to the time or the use. Amputation of the thumb and index for the first conviction, for the second one hand and one foot, and death for the third conviction.
"	278	Receiving stolen property	Punishment as for theft.

VIII.	340	Receiving stolen property by a priest ...	...	Punishment as for theft.
IX.	332	Robbery ...	...	Death.
	276	House-breaking and robbery by night ...	...	Hands to be lopped off and the offender fixed on a sharp stake.
VIII.	29	Appropriation of a woman's property during her life ...	...	Punishment as for theft.
"	34	Appropriation of lost property ...	...	To be trampled on by an elephant.
"	191	Dishonest detention of property deposited, or dishonest demand of what has not been bailed ...	...	Same punishment as for theft if it be a second offence and the property be precious, but a fine equal to the value of thing if it be trifling.
"	193	Obtaining goods under false pretences ...	...	Whipping, or mutilation, or death.
"	197	Selling the property of another without his consent ...	...	If the offender be a near kinsman of the owner, he shall be fined 600 panas; if not a kinsman, the same punishment as for theft.
"	194	Deficient return of deposit ...	...	Fine.
"	243	Injury to land by failing to sow in time ...	...	Fine of ten times as much as the king's share of the crop which might have been raised, but only five times if the fault was that of servants without their masters' knowledge.
"	240	Herdsmen allowing cattle to trespass near highway or village, or in an enclosed field ...	...	Fine of 100 panas. Where there is no herdsman, the owner of the field may secure the cattle.
"	241	In unenclosed fields and all other places ...	...	Fine of 1 pana and a quarter, and the value of the damaged grain in all places.
VIII.	264	Trespass and forcible possession of a house, a pool, a field, or a garden ...	...	Fine of 500 panas, but only 200 if it was through ignorance of his right.
IX.	289	Breaking a public wall, filling a public ditch, or throwing down a public gate ...	...	Banishment.
"	285	Breaking a foot-bridge or public flag ...	...	Fine of 500 panas and repair of the injury.
VIII.	285	Destroying trees ...	...	Fine according to the use and value.
"	288	Injury to goods ...	...	Satisfaction to the owner and fine equal to the value of the goods.

Table of Crimes and Punishments under the Code of Menu.

Book.	Verse.	OFFENCES.	PUNISHMENTS.
OFFENCES AGAINST PROPERTY.—(Contd.)			
VIII.	289	Injury of leather, or leathern bags, or to utensils of wood and clay	Fine of five times their value.
"	319	Breaking a public cistern	Fine of a <i>masaka</i> of gold and the restoration of the property destroyed.
IX.	279	Breaking a dam which secures a pool	Immersion under water, or corporal punishment, or the offender shall repair it, but must pay the highest mulct.
"	281	Diverting water from a pool or obstructing a water-course	Fine of the lowest amercement.
VIII.	296	Negligent driving, resulting in the killing of a large brute animal, such as a bull or cow, an elephant, a camel or a horse	Fine equal to half of that for theft.
IX.	284	Or very young cattle	Fine of 200 panas.
		Or elegant quadrupeds or beautiful birds, as antelopes, parrots and the like	Fine of 50 panas.
		Injury to animals by Doctor's or Surgeon's unskilful treatment	Fine of 250 panas.
CRIMINAL BREACH OF CONTRACT.			
VIII.	215	Servant not performing work	Fine of 8 raticas and forfeiture of wages.
"	219	A trader breaking his promise through avarice	Banishment or fine.
"	222 }	<i>Rescission of contract</i> after ten days	Fine of 600 panas.
"	223 }		Fine of 96 panas.
"	224 }		Fine of 96 panas.

IX.	287	Delivery of goods of less value or selling at higher price ... ..	...	Fine of 250 or 500 panas according to circumstances.
"	291	Selling bad grain for good, or good seed placed at the top of the bad to conceal the bad below ...	...	Such corporal punishment as will disfigure the offender.
VIII.	225	DEFAMATION.		
"	267	Defamation of a virgin ... ..	...	Fine of 100 panas.
"		Ditto ditto priest by a soldier ... ..	...	Fine of 50 panas.
"		Ditto ditto ditto merchant ... ..	...	Fine of 25 panas.
"	268	Ditto ditto ditto mechanic ... ..	...	Whipping.
"		A priest defaming a soldier ... ..	...	Fine of 50 panas.
"		Ditto ditto a merchant ... ..	...	Fine of 25 panas.
"		Ditto ditto a servile man ... ..	...	Fine of 12 panas.
"	273	Falsely denying through insolence a man's sacred knowledge, country, class, or corporeal investiture ... ..	...	Fine of 200 panas.
"	275	Defamation of a mother, father, wife, brother, son, or preceptor ... ..	...	Fine of 100 panas.
VIII.	213	OFFENCES AGAINST RELIGION.		
"		Refusal to restore money given for religious act which has not been performed ... ..	...	Fine of 1 <i>suzerna</i> .
"	388	Sacrificer forsaking the officiating priest, and priest forsaking the sacrificer ... ..	...	Fine of 100 panas.
"	389	Forsaking a father, mother, wife, or son ... ..	...	Fine of 600 panas.
"	392	Priest neglecting to invite his neighbour to an entertainment ... ..	...	Fine of 1 masha of silver.
"	393	Brahmin neglecting to invite another Brahmin to entertainment ... ..	...	Fine of 1 masha of gold, and payment of twice the value of the repast to the Brahmin.
IX.	84	Woman addicted to liquor or mixing in crowds ... ..	...	Fine of 6 raticas of gold.

Table of Crimes and Punishments under the Code of Menu.

Book.	Verse.	OFFENCES.	PUNISHMENTS.
OFFENCES AGAINST RELIGION.—(Contd.)			
IX.	225	Reviling the scriptures, and heretical speech	Banishment from the town.
"	227	Drinking intoxicating spirits	Brand of a Vintner's flag on the forehead.
"	228	Giving pain to Brahmans	Corporal punishment at discretion.
"	230	Breaking into a temple	Death.
"	235	Breaking an idol made of clay	Fine of 500 panas and reparation of the injury.
		Wearing the string or other marks of the twice-born	Corporal punishment at discretion.
OFFENCES AFFECTING HEALTH, SAFETY, &c.			
VIII.	293	Hurt caused by unskilfulness of driver	Fine of 200 panas on owner.
"	294	Ditto skilful but negligent driver	Fine on driver.
"	...	If he is clearly unskilful	Fine of 100 panas on each of the occupants of the carriage.
IX.	266	Adulteration, or mixing pure with impure commodities	Fine of 250 panas and damages.
"	282	Committing nuisance on the king's highway	Fine of 2 panas, and immediate removal of the filth.
OFFENCES RELATING TO MARRIAGE.			
VIII.	359	Adultery by servile man with the wife of a priest	Death.
"	371	Ditto a wife	Death by the devouring of dogs.

"	374	Ditto	servile man with woman of the twice-born class ...	...	If she was unguarded, loss of the offending part and forfeiture of property; if guarded and a priestess, death and forfeiture. Imprisonment for one year and forfeiture of all his wealth.
"	375	Ditto	a merchant with a guarded priestess ...	...
"	376	Ditto	a soldier with an unguarded woman of the sacerdotal class ...	...	Fine of 500 panas for a merchant, and 1,000 panas for a soldier.
"	377	Ditto	a man of the sacerdotal class with a guarded priestess eminent for good qualities ...	...	Death and forfeiture of property.
"	378	Ditto	a Brahmin with a guarded woman without her free will ...	...	Fine of 1,000 panas, but only 500 panas if she consents.
"	383	Ditto	a Brahmin with a guarded woman of the military or mercantile class ...	...	Fine of 1,000 panas.
"	382	Ditto	a merchant or military man with a woman of the opposite class ...	...	Fine of 500 panas on a merchant, and 1,000 panas on a soldier.
"	383	Ditto	with guarded woman of the servile class	...	Fine of 1,000 panas.
"	363	Illicit connexion with wives of public dancers	...	...	Fine of small amount.
"	361	Conversing with a married woman after prohibition	...	...	Fine of 1 suverna.
"	354	A man noted for such offences conversing with the wife of another	...	...
"	352	Overt acts of adulterous inclination	...	...	Fine of 250 panas.
IX.	237	Violating the bed of a natural or spiritual father	...	...	Barishment and such bodily marks as excite aversion. Branding on the forehead with the mark of a female part.
VIII.	224	Giving a blemished girl in marriage	...	...	Fine of 96 panas.
		GAMING.			
IX.	222	Gaming with dice and the like, or by matches between rams and cocks	...	...	Corporal punishment at discretion.
"	224	Keeping a gaming-house	...	...

Table of Crimes and Punishments under the Code of Menu.

Book.	Verse.	OFFENCES.	PUNISHMENTS.
VIII.	281	CRIMINAL INTIMIDATION AND INSULT. A low class man sitting on the same seat with one of the highest	Banishment after branding, or the king shall cause a gash to be made on his buttock.
"	282	Spitting on one's superior, or indecently insulting him	Gashing the lips or other parts concerned in the insult.
"	269	Abusive language by a twice-born man to one of the same class	Fine of 12 panas.
"	...	Ribaldry not to be uttered	Fine of double the above.
"	270	Insulting the twice-born with gross invectives	Slitting of the tongue.
"	271	Contumacious language regarding the twice-born or his class	An iron style ten fingers long shall be thrust red hot into his mouth.
"	272	Presuming through pride to give instructions to priests concerning their duty	Hot oil to be dropped into the mouth and ears.
"	276	Abusive language by a priest and a soldier	Fine of 250 panas on the priest and 500 panas on the soldier.
"	412	Brahmin forcing the service of a twice-born man	Fine of 600 panas.
"	274	Calling a man blind with one eye or lame or defective	Fine of 1 pana.
VIII.	344	OFFENCES AGAINST THE HUMAN BODY. Homicide	Death
IX.	317	Killing a priest	Corporal punishment and fine together with banishment.
IX.	232	Or a child	

VIII.	296	Killing a man by negligent driving	...	Fine equal to that for theft.
"	279	Assault by a low-born man	...	Mutilation of the member with which the offence is committed.
"	280	Raising a staff or hand against another or kicking another	...	Mutilation of the hand or foot.
"	283	Assault on a Brahmin	...	Mutilation of the hands.
"	284	Scratching the skin or fetching blood	...	Fine of 100 panas.
"	...	Wounding a muscle	...	Fine of 6 mischas.
"	...	Breaking a bone	...	Instant banishment.
"	300	Undue chastisement of a wife, son, servant or pupil	...	Fine as for theft.
IX.	284	Injury by Doctor's or Surgeon's unskillful treatment	...	Fine of 250 panas for injury to brute animals, and 500 panas for injury to human creatures.
"	290	Sacrifices to destroy innocent men, and machinations with poisonous roots, and for the various charms and witcheries intended to kill	...	Fine of 200 panas.
VIII.	323	Kidnapping men of high birth and women	...	Death.
"	364	Rape	...	Corporal punishment.
"	378	Rape by a Brahmin on a guarded woman	...	Fine of 1,000 panas.
"	367	Contamination of a damsel by a man through intercourse without her consent	...	Amputation of two fingers, and a fine of 600 panas.
"	369	Pollution of a damsel by a damsel	...	Fine of 200 panas, payment of double of her nuptial present and ten lashes with a whip.
"	370	Pollution of a damsel by a woman	...	Her head shall be shaved and two of her fingers shall be chopped off, and she shall ride mounted on an ass through the public street.

ART. IX.—THE HOLY HILL OF TIRUPETTY.

UNTIL very lately the hill of Tirupetty, or, as it is generally pronounced and written, Tripetty, was untrodden by the foot of anyone save a pure Hindoo. The most fabulous stories were in circulation regarding the wealth and beauty of the pagoda. The temple was said to be surmounted by a dome of pure gold, the pillars were overloaded with silver; there were the most gorgeous halls for pilgrims, full of the rarest specimens of architectural skill; there were mantapams and choultries built for the accommodation of visitors; wonderful waterfalls in which the pilgrims bathed and washed away their sins; there were sacred groves of beautiful trees; thickly wooded valleys; in fact, there was everything which the imagination could suggest, or the exaggeration of returned pilgrims invent. *Omne ignotum pro mirabili*, and so it was with the Tripetty pagoda. Even now only officials are permitted to visit the hill when on duty. The spell was broken for the first time in 1870 when the Superintendent of Police ascended the hill in search of an escaped murderer, in spite of the remonstrances of the *mahunt* or high priest. Since then a revenue officer was deputed to go up the hill in order to decide an important boundary dispute, and now the Collector of the district, the Superintendent of Police, and the Forest Officer, are permitted to visit the hill whenever their duty may take them there. It was on the occasion of one of these visits that the writer of the present article had an opportunity of visiting the hill, a description of which may not be uninteresting.

There are two towns of the name of Tripetty, one at the foot of the sacred hill, known as Lower Tripetty, and the other on the summit, Upper Tripetty, in which is situated the celebrated pagoda. Lower Tripetty is about six miles from the railway station of that name on the north-west line, and is one of the chief towns of the *taluq* of Chendragiri in the district of North Arcot. Lower Tripetty has a fine old pagoda and is filled with large chattrams, tanks and shady groves, in which travellers and pilgrims can halt. In it resides the *peishcar* or agent of the *mahunt*, who is in reality the person who has the control of the pagoda funds. It is to him that the jewels offered at the holy shrine are periodically sent; he sells them at auction; he provides for the stores of grain which have to be sent up the hill, for the payment of the workmen, and for all mundane matters with which his holiness the *mahunt* is not supposed to deal. There is also a Native Sub-magistrate, a District Moonsiff or

Subordinate Civil Judge, a dispensary partially supported by the *mahunt*, and a number of rich merchants who gain a livelihood by purchasing at auction the gifts of the pious pilgrims. In Lower Tripetty the pilgrims are in the habit of resting for a few days before their final ascent; they go through a preparatory course of purification of bathing and worship, and prepare themselves for a sight of the god on the holy hill. One of the principal sources of trade in Lower Tripetty is the manufacture of idols carved from red sandal wood (*Pterocarpus Santalinus*) or made in brass. The carvings in wood are very frequently of considerable merit, and the idols themselves form handsome ornaments which would be highly prized in England. There is a long street of shops, each of which is filled with these ornaments in wood and in metal.

The hill itself is about one mile distance from Lower Tripetty, and seen from this town it is a bleak rocky mountain 2,500 feet in height, with scarcely a sign of vegetation. There are several ascents to the hill, but three only are chiefly used; one on the north or Cuddapah side, from a small town called Balapally, is a long weary road over hills and through thick jungles; the other two are from the southern or Lower Tripetty side. The principal of these commences about a mile from the town, and consists of a flight of steep steps passing under a number of halting places, each surmounted by a tower. The third ascent is about eight miles from Lower Tripetty, and is reached by another road. The hill, or rather range of hills, (for they cover nearly 100 square miles) consists of seven peaks, each of which is considered holy. They are called the Seshachellum, Vedachellum, Garudachellum, Vrishabachellum, Narayanachellum, Anjanayachellum, and Sri Venkataramanachellum. It is on the last of this, the seventh hill, hence frequently called the "Yeydo Kondalavadu" that the pagoda is situated.

Our party proposed to climb the hill early in the morning, and as the last mentioned ascent was sheltered from the sun until 7 A.M., this was chosen. Starting from Lower Tripetty before daybreak, we drove through a somewhat barren looking country, until we joined the rest of our party at the foot of the hill about sunrise. The ascent from this, the Chendragiri side, is a very steep one, and is sadly out of repair. The R. E. who was with us, declared that it was one in one, and whatever this professional formula may mean, it certainly seemed as steep as steep can be. As we mounted, we had several fine views of the low country, and especially in one part about midway. There was a ruined *gopuram* or resting place with a tower above the porch, and through this, like the frame of a picture, we saw a wide stretch of country, for the most part dry and barren, but here and there, dotted over with large squares of beautiful green, with shimmering

tanks and a bold back ground of rocky hills. But we could not afford to stop long to look at the view. The sun showed signs of soon mounting above the hill, which had hitherto screened it, and we pushed on so as to reach the top before being exposed to the heat. The road showed the signs of decay and neglect, and we did not find it difficult to understand that a Hindoo, and especially a stout one, would consider it a meritorious action to climb the hill. But we mounted in hope, and the difficulties we had to surmount would only place the glories of the celebrated pagoda in greater contrast. When we reached the top, we were met by the usual Indian band of shrill trumpets, piping wind instruments and irrepressible tom-toms. The pagoda and town were still hidden. We had to pass a ledge of fantastically shaped rocks, and then, we were told, we should see the beautiful golden dome. On we trudged in silence, and I re-called to my mind the stories which speak of the enthusiasm with which travellers greet the first sight of Jerusalem, of Mecca and of Naples. At last we pass the ledge and look eagerly round. "Where—where is the pagoda?" In front of you! "What—that?" Yes! and we are shown a number of ruinous-looking houses built in the form of a parallelogram with a stone-walled enclosure in the centre, the whole surmounted by a brass-mounted pepper-box kind of turret. "But where is the golden dome?" Oh, that is it. It is not gold; it is said to be gilded. Another of the illusions of our youth is gone! The celebrated Tripetty pagoda, venerated, visited, worshipped and endowed by millions of human beings, the foundation of which is without date, and the mere sight of which is sufficient to remove the sins of a generation of Hindoos, dwindles down to the size of a second-rate pagoda in a third-rate town. "But," "it is urged, how can you expect so fine a building on the top of a barren hill as you will find in the plains? We can only reply in mournful numbers, "We *did* expect to see a finer one." As we came nearer the town, we found that it was surrounded by a broad belt of trees, mangoes, tamarind, and sandal wood. The latter, we are told, have been brought "by the god." The sandal wood tree has, doubtless, been planted here, for it is not indigenous on these hills. Natives, however, have a superstition that the seed of a sandal wood tree will not grow unless it has been swallowed and digested by a bird, and this is, probably, the reason that they say and believe that the god deposited the seeds here. On some rising ground slightly above the town we were shown into a small chatram or choultry, which, since Europeans have visited the hill, has been reserved for their accommodation. Here we partook of the fragrant bohea, which we found especially refreshing after our climb of an hour and a half. We intended to spend the day on the hill, and the

stores we had brought with us, (for we were a hungry party of seven,) had been brought up and were now unpacked by caste coolies, for no pariah is allowed to ascend the hill. Tea and cheroots being discussed, we went round the town. The town consists of a broad street running round the pagoda. The temple walls built of large granite slabs form the centre, and are faced by tumble-down houses, private buildings and places of accommodation for pilgrims. Most of these were in ruins, a few were in course of restoration, one in particular maintained by the Rajah of Mysore, and on which he is now spending some Rs. 8,000. These repairs are conducted under official supervision, and after having inspected them we continued our walk round the pagoda walls. Arrived at the eastern end of the parallelogram, we were shown the holy tank in which the black-ets sinner can wash away his guilt. The tank is about a hundred yards by fifty, and has fine granite steps down to the water's edge. But the water? This was a turgid mass of green matter which contains apparently the pious ablutions of centuries. So many sins have been washed away in it that the water is naturally filthy to a degree. We noticed an emaciated Brahmin half-immersed in the water, who had just performed his ablutions. We saw him lift some of the green ooze to his mouth, and marked the air of faith mingled with disgust, with which he swallowed it. That Brahmin deserves to go to heaven. We asked why the high priest did not have the tank cleaned, and were told that he was afraid it would cost a lot of money, and his expenses are very large already. We were puzzled, for as yet we had seen no trace of expenditure of any kind; the road up the hill was in ruins, and the town itself appeared to be tumbling down, except where repairs were being made by private liberality. The revenue of the *mahunt* is said to be three lakhs of rupees, and we walked on to see where it was being spent. After a few minutes we came to a fine hall of a thousand pillars. This has been once a noble structure, though it cannot compare with similar halls in Madura, Chillumberam or Conjevaram. Even this is in ruins, but some steps are being taken to restore it. The Collector of the district has succeeded in inducing the Mahunt to furnish funds for the restoration of this fine old specimen of Indian architecture. The estimate, we believe, amounts to Rs. 80,000, and the work has been commenced, although, owing to the difficulty of procuring labour, it will, probably, be many years before it is completed.

Our party here separated until breakfast time, some to stroll about the town, and others to walk over the hills to visit the famed *tirtams* or waterfalls. Of these there are, as far as we could ascertain, sixteen. They are pools of water formed by natural springs and are mostly within a radius of about two miles from the pagoda. Four, however, of especial sanctity are

distant from six to ten miles from the pagoda, and one is in a valley nearly fifteen miles off. We walked to one about six miles off. The tank in the temple is formed by a spring of especial sanctity and is called the Pushkarani Tirtam. Hindoos, with their love of exaggeration, pretend that there are thirty-three koties or crores of tirtams, or in round numbers say three hundred and thirty-three millions? Three of the most important are named *Papavinasanam* (or sin destroyer), *Aksa Ganga* (the source being considered the same as that of the Ganges), and the *Panduru tirtam*, since tradition has it that when Yuzishtara lost his kingdom at the fatal game of dice, he came here with his brother Bhima, who dug out the spring with his spear. We walked out towards the first of these three tirtams distant about six miles from the pagoda. For a few hundred yards outside the town the road showed signs of having been recently cleared of jungle, but after this the scrub came so close that the path was scarcely wide enough for two persons to walk abreast. The road was paved with rough stones, and we remarked that almost every stone bore an inscription. These inscriptions are generally to the effect that "so and so came here and viewed the god;" sometimes, but rarely, a date is affixed. Many stones have a rude kind of picture of a man, woman and sometimes one or two children, with their hands folded as if in prayer. The carving of these inscriptions furnishes a livelihood to a number of persons whose ancestors have carved similar inscriptions since the foundation of the pagoda. After some enquiry regarding the different tirtams and their distance from the pagoda, we computed that there could not be less than eighty miles of such paths paved with carved stones. The paths, as originally laid out, are about four yards broad, and the stones are generally about two feet long by a foot broad. A good mathematician, which we do not pretend to be, will perhaps be able from this to form a rough calculation of how many inscriptions there are on the roads to the Tripetty hill tirtams, and how many centuries it must have taken to carve them. Strange to say, few, if any, appear to have been recently made; by far the greater number showed signs of great age, and many, though deeply cut, had been almost entirely obliterated by the feet of countless pilgrims. Another peculiarity we noticed was, that the road on both sides was fringed with dwarf date palms, and that in almost every bush there were a number of leaves tied together in a knot. On asking the reason of this, we were told that when pilgrims whose wish it is to obtain children, visit the hill, they are in the habit, when on their way to a tirtam or the pagoda, to knot together a few leaves of the wild date palm in order to ensure the fulfilment of their desire.

The Abbé Dubois, who was the first European to visit the

Tripetty hill, though he did so not as a European but as a white Brahmin, describes these tirtams as the scenes of the wildest orgies. He says that mixed parties of men and women visit them under the guidance of Brahmin priests, that whilst bathing they are in a state of religious frenzy, that they gradually lose all control, throw off their cloths and end by committing the wildest excesses. Things are probably now changed ; at all events we witnessed no such orgy as the Abbé describes. We met several groups of pilgrims returning from their ablutions, but they all wore the quiet retiring look of the 'mild Hindoo.' Their foreheads were glaringly painted with the broad marks of the disciples of Vishnu, and their heads for the most part cleanly shaved and as round as billiard balls, but they certainly did not seem to have been lately the participants of wild and sensual excesses.

About half-past eleven we returned to our rest-house, and were glad enough to partake of a meal somewhat more substantial than is enjoyed by the majority of pilgrims who visit the hill.

After breakfast we strolled into the garden, which consisted of cocoanut trees and pineapple shrubs. There, whilst discussing our cheroots, we made a few enquiries from an intelligent Brahmin with one eye, some of the results of which we will communicate to our readers. Much of what he told us was false, but a portion was true, and agrees with other sources of information we have been able to consult.

The *mahunt* or high priest is invariably a Mahratta byragee or ascetic. His caste is that of Golla Brahmin. He is surrounded by a number of disciples, from whom he selects one to be his successor. The present *mahunt* is about seventy years of age and has filled the post for about fifteen years. He is very infirm and was only lately successfully operated upon for cataract by Dr. Brockman of Madras. The disciples of the *mahunt* do not go through the ordinary three stages of a Brahmin's religious life. They commence with that of asceticism and are vowed to celibacy from their youth.

Next to the *mahunt* comes the Jeyangar, a Saniyasi, whose occupation is to be lost in contemplation of the Deity. In reality he is a sort of check upon the *mahunt*. It was only recently that the Jeyangar brought a suit against the *mahunt* to deprive him of his post on the ground of wasting the pagoda revenues. The suit, however, was dismissed by the High Court, and the Judge is said to have expressed his opinion that it was preferable to leave a well-fed rogue in his post, than to re-place him by a hungry one. There are seven pagodas under the management of the *mahunt*, the one on the hill, three in Lower Tripetty, and three others in villages near the foot of the hill.

The temple is dedicated to Vishnu under the name of Vencatasha

Swamy, and the following is the legend of its foundation. The god fell in love with Pudmavati, the daughter of the Rajah of Narayana-varam. He had, however, no funds to defray the necessary marriage expenses, which were furnished by the aid of Kohara the god of wealth. This god, however, directed that the money thus lent should be re-paid annually to the sovereign of the countries lying between the Palar and Soowarnamooker rivers (*Asiatic Journal*, Vol V of 1831).

The money thus lent is said to have amounted to 11,400,000 (one crore fourteen lakhs) of Rama tankas—(a tanka is said by some to have been worth Rs. 18 and by others Rs. 24). For this loan the god had to execute a bond which was attested by Eswara, Bramha, and Aswartam as witnesses. The principal was not to be re-paid until the termination of the *Kali Yuga* and until then a yearly interest of 1,000 (one thousand) pagodas has to be paid. It must be admitted that the rate of interest is very low.

One of the sacred hills is, as I have mentioned before, known as the Seshachella Parvatam, from *Sesha* the king of serpents and *Achella* a mountain, in allusion to one of the incarnations of Vishnu, in which he assumed the form of a snake, and took up his abode on the hill. There are several idols representing Vishnu standing erect and holding in his left hand the tail of a large snake, the head of which rests on the ground at his feet. "The idol in the temple is an erect stone figure, about seven feet in height, with four arms, and personifies Vishnu in two of his hands: the right contains the *chuckra* or mace of war; the left the *chakra*, or holy shell; the other right hand points to the earth, alluding to the sacred origin of the hill; and the other left holds the lotus." (*ibid.*)

There are four other idols in the temple, each of which bears a different name according to the duty it has to perform, which will be detailed further on: (2) *Vugra Sreenevasaloo* another name for *Vencatasha*, signifying "the terrible." This idol is never taken out, as a sight of it is considered too awful for human eyes; (3) *Bhoga Sreenevasaloo*, the joyful; (4) *Saina Sreenevasaloo*, the sleeping; and, (5) *Koluvoo Sreenevasaloo*, the office-holding god. The five idols are termed the *Pancha murti*.

The time when the temple was built it is impossible to ascertain. The vague tradition of the Hindoos fixes it at the commencement of the *Kali Yuga* or about 4,970 years ago. That the temple is of great antiquity, there can be no doubt, but there is nothing about its architecture to lead one to suppose that it is older than the other large temples of Southern India, which are now generally supposed to have been built during the prevalence of Buddhism.

The great festival of the year is in October at the time of the

Deepavali feast, and is held in commemoration of the marriage of Vishnu before alluded to. For some months before this, the Byragees or priests travel out into all parts of the country, collect would-be pilgrims and set up a sacred banner. When they have collected a sufficient number, they strike their flag, the pilgrims secure the valuables they intend offering at the holy shrine, and then the band marches fourth. The journey sometimes takes months, but during the whole of it the spirits of the pilgrims seldom flag, indeed, whenever one passes such a band, each member seems to be animated by the utmost enthusiasm, and the cry of *Go-vin-doo* is continually being started by the leading member. Those behind take it up, and the echo has scarcely died away before they begin again. Other pilgrims, whose vows are more stern, perform the journey in the most extraordinary positions. Some roll themselves along the road from back to stomach, and others make themselves into a wheel and propel themselves along by the most wonderful gyrations. Sickness, marriage, and children are the objects which chiefly give rise to a pilgrimage to Tripetty. In the case of sickness the offering generally takes the shape of the afflicted member; thus a golden eye is promised if the sight is affected, a foot in the case of a leg being injured, or a hand in the case of an accident to the arm. Rich zemindars and Rajahs send their agents to fulfil the vows they or members of their family may have made, for the head of the family is bound, under penalty of incurring the displeasure of the god, to fulfil the vows which the meanest member of his family may have had occasion to make. Death does not release from this obligation, and the vow made by a dying wife or son is equally binding on the surviving husband or father. The poorer classes who are unable to promise such rich presents, vow to offer the most extraordinary articles, amongst which old coins, spices, rice smeared with saffron, assafoetida, the hair of a woman, or a piece of yellow cloth are by no means uncommon. The offerings are presented to the god on the occasion of the pilgrim's first visit. In front of the god are two large vessels, and as each pilgrim is introduced into the presence of the idol, he drops his offering into one of them, makes a deep prostration, and passes on. At the close of the ceremony the offerings are placed in a bag and sealed. They are deposited in the treasury of the pagoda and sent down to Lower Tripetty, where they are sold by auction under the supervision of the *peishcar*. It might be imagined that, where so little attention is paid to the offering made by each pilgrim, there might be many cases of pious fraud, similar to that of Ananias and Sapphira of Holy Writ. This, however, is not the case. A Hindoo, who has vowed to present the god a golden jewel valued at

Rs. 500, though no one witnessed his vow and it is registered in his memory only, would no more dream of trying to put the god off with a jewel of smaller value than he would of neglecting the vow altogether. Indeed, he would consider the latter course to be the safer one. When a vow is once made, it is by no means necessary that it should be instantly fulfilled. It may take years before the money can be saved, and the vower will incur no sin, but if a fraud is attempted, the hypocritical devotee is certain to incur the displeasure of the god and will at once be visited by sickness, if not by death. In the words of a native official with whom we conversed, "Your Honor, this Swamy very strict god." There are well-authenticated instances of frauds of this kind being almost instantaneously punished, a result probably produced by a religious fanaticism and a guilty conscience. But, however this may be, the tradition of them is quite sufficient to deter pilgrims from emulating such a fate.* Until quite recently a large proportion of the receipts of the pagoda were paid to the ruling power. This continued under the Hindoo Rajahs, the Mahomedan Viceroys, and for a considerable period of the British rule, and the revenue derived from this source used to amount to as much as a lakh of rupees. This, however, has now been changed, and the Government have declined to interfere with, or derive any profit from, the revenues of the temple, the whole of which are under the sole control of the *mahunt*. The paper in the Asiatic Journal, to which we have referred above, was written in 1831 whilst the old arrangement was still in force, and the writer prophesies in it that the policy of the Government would have the effect of sapping the roots of Brahminism. We extract the following:—"Now let us contemplate the result of this plan. From one end of the country to the other, pagodas are ruined, unmaintained Brahmins are in trade, serving in the army, and learning that even to them beggary is no livelihood. The oppressive hand of the Brahmin is removed from the neck of the people, and the influence they once had will never again be felt to a similar extent. The revenues of the pagoda are on a general decline and will die in the lapse of years a natural death." As far as actual facts go, the revenues of the pagoda during the last ten years have more than

* A story was told us, said to have occurred recently, of a dancing-girl who had vowed to give to the god her hair if he would send her a rich lover. The rich lover came, and in due course she went with him to the hill in order to pay her vow. On the way, however, she considered that if she cut off her hair, she might possibly lose the admiration of her

lover. Accordingly she cheated the god, and, instead of her hair, presented him with her jewels valued at tens of thousands of rupees. After this she went to sleep in the pagoda, but when she awoke in the morning she found her head was shaved perfectly clean. This could scarcely have been the effect of a bad conscience only.

doubled, and are estimated now to be not less than three lakhs of rupees. The value of the gifts presented by the pilgrims is probably much greater, and cannot be accurately ascertained. The reader will ask what becomes of all this wealth which has been pouring into the coffers of the pagoda for centuries. Very little is spent upon the town and the temple, many fine old towers and buildings are falling or have fallen into ruins, and the proprietor of this princely wealth lives a life of seclusion. The question is easier asked than answered. A great deal of money is spent in feeding pilgrims, but the pilgrims fed are for the most part Byragies of the same caste as the chief priest. Some is hidden and buried in the ground, for it was only two years ago that some workmen came upon treasure valued at nearly two lakh of rupees. The remainder, and probably the greater portion, is distributed amongst retainers and hangers-on.

It remains to describe a few of the ceremonies which are performed, and the sight of each of which necessitates, on the part of the pilgrim, the payment of a fixed fee. Indeed, there is only one short period of the day when the admission to the presence of the god is free, and at every other time a fee varying from one rupee upwards is compulsory.

Certain ceremonies are performed daily and others weekly, and are called *Abbisheykam*. For each of these a fixed payment is demanded from the visitor, and during the grand festival this fee is considerably enhanced.

1. *Pool Kaub*.—Every Friday, throughout the year, the idol is anointed with civet musk, camphor, etc., and washed clean with milk. So important a spectacle cannot be seen for love, and the devotee pays what he chooses during the rest of the year; but at the *Bramhotsaham* (the grand feast) he pays through the nose, in a sum formerly more but now reduced to Rs. 50 (*ibid*).

2. *Poolunjee Séva*.—This ceremony takes place every Thursday, and consists of dressing the god in a flowered garment. During the festival the price of admission to a sight of this ceremony is Rs. 60.

3. *Tomaula Séva*.—This ceremony is performed daily, and consists in throwing a necklace of flowers round the god. The price of admission is Rs. 12.

4. *Sahasranamarchana*.—This ceremony is also daily, and consists of an invocation of the thousand names of Vishnu. The price of admission is Rs. 5.

5. *Mancham Séva*.—Is performed nightly, and consists in rocking the god to sleep. This may be viewed on payment of Rs. 12.

Another source of revenue is that of fees paid when offerings such as rice, dhal, ghee, sweet oil and tamarinds, &c., are made

by a devotee. The pilgrim is not allowed to approach the god with an offering of this kind without payment of a prescribed fee. These offerings are termed *Naivadam*.

A few of these offerings are worthy of being described.

Khali Harti—Consists of an offering of five betel leaves and three nuts, a quantity of sugar and half a pagoda's weight of camphor. The sugar is presented to the god, and the camphor is set on fire. A man may have this offering made on every day throughout the year in his name on payment of Rs. 21 annually, and a deposit of a similar sum. Not less than 500 of these *Harties* are presented every day.

Naranite Harti—Consists of the same offering with the addition of a little butter. The cost of this is a premium of Rs. 42, and an annual payment of the same sum; about 200 *Naranite Harties* are offered daily.

Archana.—A man, who wishes the god to be invoked daily in his name by his 1,008 appellations, must deposit Rs. 80, and pay a similar sum annually. A pilgrim, who wishes that the ordinary services of the day may be performed in his name, must pay the night previously a sum of Rs. 64.

A third source of revenue is derived from payments of pilgrims to view the different processions of the god termed *Vahanum*. The idol, which is carried in these processions, is an imitation of the idol in the temple, and is formed of gilt wood and sometimes of brass. On these occasions the idol is carried in different ways, with reference to the tradition regarding his incarnations. Thus there is the—

Garada Vahanum—When he is mounted on a Brahminy kito of gold;

Chendraprabhu—When he is carried with a golden moon;

Hanoomunta Vahanum—When he is carried on an image of the monkey-god Hanooman;

Simha Vahanum—When he is carried on a lion, and

Balashsha Vahanum—When he is carried seated on a large gold serpent. A fee has to be paid before a pilgrim is allowed to assist at any of these processions, and the fee varies in amount according to whether the procession takes place during the time of a festival or not.

The following is a description of how the day is passed. In the morning the doors of the temple are opened in the presence of the agents of the *mahunt* and the Jeyangar. First of all, the jewels in which the god was dressed the previous evening are examined, and when these are found to be correct, the first service commences.

Visvarupa Séva.—The god is declared to be in the same state as he was the previous evening. The admission to this ceremony is free, except on Friday when an entrance fee of one rupee is

demand. The doors are then opened and Koluvo Sreenevasaloo (the fifth of the idols previously enumerated) is taken into the outer hall and seated on a chair. The clerks of the *mahunt* and the Jeyangar then read out to the idol the receipts of the previous day, the store-keeper tells him what provisions have been expended and what still remain, and the *panchangam* or calendar for the day is read out. When these reports have been read, water is brought from the Aakasha Gunga. Then Bhoga Sreenevasaloo (idol No. 3) is brought out, placed at Koluvo's feet and washed in the water. This having been done, the Jeyangar, or in his absence one of his disciples, decks the god with flowers, a ceremony termed *Tomala Séva*. On payment of Rs. 13 a pilgrim is supposed to have borne the cost of this ceremony. Any number of pilgrims may pay this sum, and at the same time each will be supposed to have paid for the ceremony. Then the offerings of Naivadam are paid, and pilgrims are admitted to the presence of the god. Most of them are induced to pay for the cost of the *Khali* or other *Harti*. This ends the first hour (*modati guntā*), and the gilt doors are closed.

After a recess of half an hour the doors are again opened, the old flowers are removed from the god and he is adorned with fresh ones. This ceremony occupies the second hour (*rendo guntā*). A vessel is then placed in front of the god, in which the pilgrims who are now admitted place their offerings. At mid-day these offerings are taken out, counted, placed in bags, and despatched down the hill to the treasury at Lower Tripetty. The doors are then closed, and the pilgrims go home to take their meals. The afternoon is generally taken up by processions which have been paid for, and the day on which no procession takes place is considered a sinful one. On the day of our visit there were none; perhaps the presence of so many Europeans was sufficient to desecrate so holy a ceremony.

In the evening the doors are again opened, the god is dressed in fresh flowers, offerings are made to him, and the ceremony of *Maneham Séva* is performed, i.e., *Saina Sreenevasaloo* (god No. 4) is placed on a cot and rocked to sleep.

This ends the day's worship.

The temple year begins in the Tamil month *Ani*. The new year's day is called *animavarai* and falls in June—July. The receipts and disbursements of the previous year are read out to the god, and he is informed of the state of his cash balance.

In former days it was usual, when the receipts were below the average, to fetter the god in golden chains as a sort of punishment for a breach of his bond. Thereupon a number of Byragies rushed into his presence, and presented to him a sum sufficient to make good the deficit.

Several wealthy Zemindars and Rajahs have endowed the pagoda. Amongst other charities, one is entered in the accounts as Sir Thomas Munro's charity, which consists of a daily offering of dhal. In order to keep up this service, Sir Thomas Munro made over to the pagoda a village in the Voilpad taluq of the Cuddapah district named Chendraripally. This village has, however, been resumed, and in its place a village named Kotabyle in the same taluq has been given over.

It is impossible to make even an approximate guess regarding the numbers who visit the holy hill during the year. Every day crowds arrive, and during the great feast there are said to be tens of thousands. It is to be regretted that no steps are taken to count the numbers; the roads up the hill are so few that this could be done without difficulty, and the information would be valuable to the Government as a means of knowing what sanitary arrangements should be undertaken. A few years ago the revenues of the pagoda had considerably diminished, owing to the frequent outbreaks of epidemics amongst the pilgrims, but a late Collector of North Arcot, Mr. J. D. Robinson, persuaded the *mahunt* to give funds towards the maintenance of a hospital and dispensary in Lower Tripetty. The *mahunt* contributes Rs. 300 per mensem, and a fine new building is about to be built from local funds. This expenditure has been found to re-pay the pagoda, for outbreaks of disease are less frequent and less fatal, and, as a natural result, a larger number of pilgrims come to pay a visit to the holy shrine.

But, whilst we have been acquiring this information, the afternoon shades have begun to fall, and it is time for our party to start on their six miles' walk down the hill. One of the party is carried in a palankeen, and it is really remarkable to note how swiftly and how safely the bearers carry the ponderous-looking machine down the steep descent, where a false step would be certain to result in serious injury, if not death. For the first few miles we have to ascend and descend at intervals before we get over a high ridge which separates the pagoda from the last descent. The road is a broad one, paved with large irregular stones, on each of which appears an inscription. Every now and then we pass under a *goparam* or porch with stone seats and surmounted by a tower. There must at one time have been a large number of these halting places. We counted nineteen in a good state of preservation, and there were a large number of others, some of which had half-fallen down, whilst of others almost every vestige had disappeared. About every hundred yards we passed a beggar with a white cloth stretched out before him, on which the passers-by deposited their alms in the shape of money or raw rice. We noted that with a wise precaution all the pilgrims who bestowed alms were well provided with

the smallest current coin, and on none of the cloths was a piece of money of greater value than one pie. Some of the beggars were old and infirm, some were covered with hideous sores, and others were strong well-built young men, apparently in the enjoyment of sound health. Behind the cloths there was generally some decoration—an image of Vencatesha Swamy, sometimes prettily carved and gorgeously decorated, a grotto or a pair of feet. These feet are a mark peculiar to the holy hill and the town of Lower Tripetty. They consist of two flat representations of human feet daubed with saffron and red dye. Whether they are placed only in those spots where the god's foot is supposed to have rested, or whether they may be placed in any spot sacred to him, we were not able to ascertain, but we were continually coming across them, and whenever we asked about them, the reply always was:—"They are the feet of the god." The beggars in receipt of custom drew our attention to their cloths by blowing on a large white shell or by striking against a gong, but we had forgotten to follow the wise economy of the pilgrims, and were unprovided with any change below a rupee, so that we had to pass all in order not to show undue favour to one. Soon after we had lost sight of the pagoda, we met a family of pilgrims who had evidently come a long way. They were under the leadership of a Byragee with matted hair and of a generally savage appearance. They were all glaringly decorated with broad Vishnu caste marks, and were clearly tired and way-worn. There was an old man and woman, two or three of middle age, and some recently married, carrying their little children. They were nearing the holy pagoda which for years they had longed to see, and which in a few minutes they would be able to gaze upon. They were about to be ushered into the presence of the god, and they were soon to wash in the holy wells and purge themselves of all sin, past, present and future. What wonder that though weary and foot-sore, the face of each pilgrim was lit up with the light of enthusiasm and of hope! What wonder that they kept repeating the cry *Govindoo-go-vin-doo* in tones of joyful excitement, and that they pressed eagerly on, anxious to catch the first sight of the golden dome! We could not help watching the party with a kind of painful interest, until a turn in the road hid them from sight. It is impossible to help envying them their hope and their perseverance, and if we could believe as they believe, and could feel as certain as they will feel a few days hence, that our sins have been purged and that we are certain of salvation whatever we may do hereafter, what an easy thing would be religion; how much more pleasant the road than the one in which we have to work out our own salvation in fear and trembling!

After about four miles of rough road we reached the highest

point and stopped to look back at the hill where we had spent the day. The pagoda itself was hidden from view, but we could see the broad undulating plateau covered with low scrub jungle. This plateau must contain at least forty square miles and is as bleak and arid a table-land as one could well find. The little valley in which the pagoda lies, seems to be the only spot where a tree will grow, unless the sun-burnt shrubs which cover the rest of the land can be dignified by the name of trees. Where the slopes of the hill descend to the low country on the west, north and east, there are some green-looking valleys, and some valuable timber, but the top is nothing but a bare barren waste.

A little further on and the road takes a turn ; we pass under a fine large *goparam* called the *Gali*, or windy *goparam* from its exposed situation, and there about 1,500 feet below us is stretched out a beautiful view. Almost beneath our feet, for so steep is the descent, is the low country with its fields of green, its tanks and its groves of trees. In the distance is a range of fine hills with bluff precipices, the commencement of the eastern ghats ; about twenty miles off we see that strange landmark, the Naggerry nose, which is visible to ships in the roads at Madras ; and here close beneath us, so near that it would seem to be almost possible to throw a stone into its midst, is the town of Lower Tripetty, with its straight streets, its pagoda and its large choultries. We stopped for several minutes to admire the beautiful view and to rest before we tried the last descent. Here the steps are more regularly built of cut stone, and have been carefully preserved ; indeed, unless some care were shown, the road would be too dangerous to descend ; as it was, however, the descent was by no means difficult, and most of our party raced down the whole way, some taking two steps at a time. It was dusk when we reached the foot where there is a *goparam* (the *Aditya* or entrance *goparam*) larger than any we had yet passed. Here we found horses and carriages awaiting us, and drove off in the anxious expectation of a not distant bath and refreshment. Outside the town we were met by the *mahunts*, elephants, and bullock-mounted tom-toms, and, preceded by this music, we reached our tents soon after dark.

J. D. B. GRIBBLE.

ART. X.—THE PHILOSOPHY OF MODERN SCIENCE.

Address delivered before the British Association assembled at Belfast in 1874. By John Tyndall, F.R.S., President. Longmans, Green & Co. 1874.

THE Address delivered by Professor Tyndall before the British Association last year is one of considerable importance,—an importance which attaches to it upon various accounts. It was delivered before an Association composed of the most eminent scientific men of Great Britain. It is the production of a man who, although not standing in the first rank of scientists, has a fair claim to be considered a representative man, and whose clear and interesting style of exposition fits him for bringing down to the level of men of ordinary intelligence the somewhat abstruse doctrines of modern science. The Address is important also from the fact that its author goes beyond the range of simple science and offers hints toward the construction of a philosophy of science. Considering that the tendency of scientists for some time has been to depreciate and despise everything pertaining to philosophy, we have in this address a practical and valuable acknowledgment of the necessity of a philosophy of some kind or other to the mind of even the man of science. And although the temporary occasion of the delivery of the Address has become a thing of the past, the subject of the Address itself is of permanent value, and the particular views expressed in it have not ceased to be representative. In India a great stimulus has of late been given to the study of physical science; and, although this may be a step in the right direction, yet there is unquestionably a strong tendency in the human mind to take a superficial view of things which the exclusive study of physical science encourages. And it may therefore be of importance to turn the attention of students of physical science to some underlying problems which science as such cannot touch, but which are the proper object-matter of philosophy. Taking Tyndall's Address as our text, we purpose to undertake this task.

We shall begin by pointing out the relations between science and philosophy, and the proper object-matter of each. Science is conversant only with what is or may be directly known by sense or consciousness. For the sake of clearness we shall call anything that is or may be directly known a phenomenon. The universe, as we know it, is then made up of phenomena; and by phenomena we mean to indicate both those objects of knowledge which we perceive by sense and those which are given to us in consciousness. The fact however that we are not able ourselves to perceive certain

phenomena, does not exclude them from the sphere of science. Anything which has been perceived at any past time, or which might have been perceived provided any percipient beings were brought into relation with it, or which might now or at any future time be perceived by the senses of any percipient beings, is properly the subject of phenomenal science. To determine the relations and laws of phenomena is avowedly the great and exclusive aim of modern science.

But by some powerful and universal impulse the human mind is driven to infer the existence of something else which is not and can never be a phenomenon, that is, an object of direct knowledge. Whenever any voluntary conscious effort of ours is met by resistance, we know directly the power which we ourselves put forth ; but we infer the existence of a power which resists ours. When we feel any sensation, as of smell, colour or sound, we know directly the phenomenon, but we infer some power outside of us as existing and acting antecedently to the phenomenon and causing the phenomenon. Rays of light and heat, we say, come from the sun ; but they are not phenomena until they come into relation with our sentient organism. Thus, underlying or behind this universe of phenomena, we are driven to infer the existence of some things or powers not phenomenal as the objective cause of the things which we know. Now it is with this underlying or, as it has been called, real world that philosophy deals, and it is with this that a considerable part of Tyndall's Address is concerned. We have therefore in this Address a doctrine of philosophy propounded by a man of science, and perhaps the same remark may be made with reference to him which he in this Address (p. 13) has made with reference to Aristotle. " When the human mind has achieved greatness and given evidence of extraordinary power in any domain, there is a tendency to credit it with similar power in all other domains. Thus theologians have found comfort and assurance in the thought that Newton dealt with the question of revelation, forgetful of the fact that the very devotion of his powers, through all the best years of his life, to a totally different class of ideas, not to speak of any natural disqualification, tended to render him less instead of more competent to deal with theological and historic questions." And thus, too, a man, who has devoted his life to the study of phenomenal science, is not likely to be thereby more but rather less fitted to pronounce upon problems of philosophy.

The greater part of the Address is taken up with a historical review of the progress of scientific speculation or discovery. In this review prominence is given, as was to be expected, to those whose discoveries or speculations have borne chiefly upon our knowledge of physical nature. The majority of

philosophical thinkers will, probably, scarcely agree with Tyndall, in according such an eminent position to Democritus and his followers as compared with Plato and Aristotle. Indeed, a candid reader of the history of philosophy can scarcely understand the elevation of Democritus except upon the theory that the President of the British Association, by his predilection for the atomic theory, has been influenced in his judgment of these ancient philosophers so as to pronounce unduly in favour of the inferior. The doctrine of atoms, as held by its various successive exponents, is that which has chiefly taken hold of Tyndall's mind in his study of the history of thought, and this doctrine we shall now examine historically and critically.

After the bright period of Greek and Roman enlightenment there followed a long dreary night of darkness and confusion, when thought was bound and the human mind appeared to be resting itself preparatory to making a greater effort. When the revival came, the doctrine of atoms found a new exponent in "a contemporary and friend of Hobbes of Malmesbury, the orthodox Catholic provost of Digne, Gassendi."

"God who created earth and water, plants and animals, produced in the first place a definite number of atoms, which constituted the seeds of all things. Then began that series of combinations and decompositions which goes on at present, and which will continue in future. The principle of every change resides in matter. In artificial productions the moving principle is different from the material worked upon; but in nature the agent works within, being the most active and mobile part of the material itself." Such, according to Tyndall, was the doctrine of Gassendi.

The philosophy of Gassendi is thus seen to be of a mixed kind. Inseparate atoms contain within themselves the principle of all the phenomenal changes of the material world; but these atoms are themselves produced and prepared by an omnipotent spiritual Being. Here we have a dualism which is unsatisfactory to the philosophic mind, which has a strong tendency to seek after unity of knowledge as well as existence. Gassendi on the one hand presents us with a spiritual Being as the originating cause of all things; and on the other hand with material atoms created and prepared by that Being so that without any farther interference or government they of themselves develop into the myriad forms of inorganic and organic life. To this explanation of the universe many objections offer themselves. The genuine theist is not satisfied with a Deity who is introduced simply to bring into existence the atomic materials of the future universe, and is then relegated into obscurity as being of no further use. The genuine materialist, if indeed there is such a person in existence, is not satisfied with a system which begins with spirit and gives to

matter only a subordinate position. The seeker after a unity of knowledge is not satisfied, because he must still ask how material atoms are endowed with such powers and principles of action as to produce the complex phenomena of our knowledge, and how such an all-powerful Being as the creator of the universe of atoms should be introduced simply for a temporary purpose.

Tyndall himself is not satisfied with the divine element in Gassendi's system, nor does he think that in any way human reason can legitimately advance from a foundation of material atoms to the existence of God. And assuming Lucretius to be the purest representative of the old atomic system, he brings that philosopher into conflict with Bishop Butler, who, as is well known, was a staunch advocate of the doctrine of an intelligent creator and governor of the universe. Butler takes his stand upon the spirituality and possible independence of the mind or percipient and reflecting powers of man, and holds that we temporarily inhabit our physical body and use its various organs as the instruments of thought and action. He denies that any part of our present organism constitutes an essential part of ourselves. Let us see now what arguments against this view Tyndall puts into the mouth of Lucretius. "Subjected to the test of mental presentation (*vorstellung*), your views, most honoured prelate, would present to many minds a great, if not an insuperable, difficulty. You speak of 'living power,' 'percipient or perceiving powers,' and 'ourselves'; but can you form a mental picture of any one of these apart from the organism through which it is supposed to act? Test yourself honestly, and see whether you possess any faculty that would enable you to form such a conception. The true self has a local habitation in each of us; thus localized, must it not possess a form? If so, what form? Have you ever for a moment realized it? When a leg is amputated, the body is divided into two parts; is the true self in both of them, or in one? Thomas Aquinas might say in both; but not you, for you appeal to the consciousness associated with one of the two parts to prove that the other is foreign matter. Is consciousness then a necessary element of the true self? If so, what do you say to the case of the whole body being deprived of consciousness? If not, then on what grounds do you deny any portion of the true self to the severed limb? Another consideration, which you may consider slight, presses upon me with some force. The brain may change from health to disease, and through such a change the most exemplary man may be converted into a debauchee and a murderer Can the brain or can it not act in this distempered way without the intervention of the immortal reason? If it can, then it is

a prime mover which requires only healthy regulation to render it reasonably self-acting, and there is no apparent need of your immortal reason at all. If it cannot, then the immortal reason, by its mischievous activity in operating upon a brother instrument, must have the credit of committing every imaginable extravagance and crime."

So argues Tyndall, by the mouth of Lucretius, against the belief that we have within us an immortal spirit. Bishop Butler is now represented as being "thoughtful after hearing this argument," and after "having strengthened himself by that honest contemplation of the facts which was habitual with him," he proceeds as follows:—

"You will remember that in the 'Analogy of Religion' of which you have so kindly spoken, I did not profess to prove anything absolutely; and that I over and over again acknowledged and insisted on the smallness of our knowledge or rather the depth of our ignorance, as regards the whole system of the universe. My object was to show my deistical friends, who set forth so eloquently the beauty and beneficence of Nature and the Ruler thereof, while they had nothing but scorn for the so-called absurdities of the Christian scheme, that they were in no better condition than we were, and that for every difficulty found upon our side, quite as great a difficulty was to be found upon theirs." And then Butler proceeds with objections against the atomic theory. Thus Tyndall appears to think that the defender of man's spiritual nature has been completely floored by his arguments, so that even such a strong thinker as Butler acknowledges in a most imbecile manner that he is incapable of meeting them. It is always unfortunate for any thinker to have arguments put into his mouth by a professed opponent, and therefore, instead of admitting the complete capitulation of the fortress of our immortal spirit of which Butler is supposed to be capable, we shall endeavour to put words into Butler's mouth somewhat more like what we believe he would have spoken to Tyndall's Lucretius.

"Most worthy Lucretius, I beg you to remember that the test of mental presentation of which you speak, is not, without examination, to be admitted as a test of truth. It may be impossible to form a conception of 'percipient powers' apart from a physical organism, but this impossibility of conception does not by any means imply an impossibility of existence; nor yet even does it imply an incapability of belief. There may be many things in whose existence I firmly believe, but of which I am incapable of forming what I myself think to be a true conception. And it is to me quite plain that my inability to form a conception of 'percipient powers,' apart from some physical organs, arises from my want of experience, and may not arise from any inherent

impossibility of existence. I myself have never had a conscious existence apart from my body, and as all my mental conceptions are formed upon my own past experience, it is quite plain that this want of experience is amply sufficient to account for my present inability to form a conception of myself existing and acting apart from my body. Moreover, it is not quite correct that I cannot conceive myself as acting apart from my body. A great part of my mental activity is conducted without any conscious employment of any part of my physical organism. And it is certainly possible for me to conceive of this kind of conscious activity as being carried on independently of material organs. I do not affirm that this possibility of conception affords any demonstration of the fact, but neither is it legitimate for you to affirm that your alleged impossibility of conception proves the impossibility of existence.

"Again, you assume that, since the true self is localized in our bodies, it must possess some form. This assumption I cannot for a moment admit. Permit me to show you the reason why it is impossible for me to admit this point. The 'true self,' you must remember, according to my doctrine, is not a phenomenon of any kind. My body consists of phenomenal qualities, some of which in my life-time I am able to examine by my senses, and all of which may be a subject of study by the anatomist after my death. But even you will scarcely maintain that this collection of physical organs constitutes my true self, since you must surely look upon that which controls these organs as the true self. And at any rate, as you are now discussing my theory, you must allow me to deny self-hood to any of my organs which can be perceived by my own or other people's senses. But in addition to the organic parts which can be perceived by the unassisted or assisted senses, there are other phenomena which I become aware of by consciousness. These phenomena, called mental, have *form*, that is, they are distinguished from one another as being of different kinds, as, *e.g.*, sensations, emotions, fancies, and so on; and they exist in certain relations, as successive or simultaneous. But I must deny that any of these phenomena, or all of them together, constitute my true self. For these phenomena are the *objects* of consciousness, they are *known*; but they do not *know*. Consider. When you say 'I feel a smell,' does that mean that one of your mental phenomena, such as a thought or a perception, is conscious of the smell? The very statement of the question reveals its absurdity. Or does it mean that the whole collection of your mental phenomena is conscious of one of themselves? This, too, is equally absurd. Or does it mean that any abstract idea which has been derived from the aggregate of phenomena, such as abstract Feeling or abstract Thought, is conscious of

one of the concrete? No power can be in the abstraction which was not exerted in the original concretes. Now I am not aware of any other mental entity possessing *form* except single mental phenomena, or the aggregate of phenomena, or some abstraction from phenomena, and we see that none of these can be supposed capable of *knowing* without absurdity. Their essential character consists in *being known*. But the true self is that which knows. And the true self cannot be a phenomenon, cannot place itself as known over against itself as knowing, cannot annihilate its own essential nature by assuming *form* and thus becoming capable of being known.

"Perhaps you may object that I am now speaking of something which can neither be known nor conceived, which cannot therefore be the object of scientific thought, which is purely a hypothetical attempt to explain certain features of conscious life, and which is an hypothesis which cannot be verified. To all this I answer briefly that I have never assumed the *ego* to be an object of scientific thought, that out of the phenomena which are the object-matter of science, there arise problems which philosophy discusses, but which cannot be scientifically examined, that the hypothesis is one to which I have been driven by an intellectual necessity, and that such an hypothesis as this may be legitimately held, although it is incapable of phenomenal verification.

"I trust that you, although apparently unaccustomed to philosophical thought, have succeeded in comprehending, to some extent at least, this my main position. If you have done so, you will see that the other questions which you ask are vain and foolish. Your remarks about the division of the body and the total or partial removal of the brain go no farther than to show that in our present condition of existence our *phenomenal* conscious life has a more or less intimate connection with, and dependence upon, our physical organism; and this no person in his senses ever for a moment doubted.

"Again, you speak of the influence of disease upon the brain, and you appear to think that you have fastened me with one or other of the horns of a dilemma. You ask, 'Can the brain or can it not act in this distempered way without the intervention of the immortal reason?' If it can, then it is a prime mover which requires only healthy regulation to render it reasonably self-acting, and there is no apparent need of your immortal reason at all. If it cannot, then the immortal reason, by its mischievous activity in operating upon a broken instrument, must have the credit of committing every imaginable extravagance and crime.'

"Now I hope you will excuse me for suggesting that this must be a specimen of the product of a self-acting brain 'without the intervention of the immortal reason,' as I can scarcely under-

stand how a reasonable mind could be satisfied with such loose thinking. In the first place it is simply impossible for me to understand how the material particles of the brain can automatically produce any of the effects to which you refer. I have not yet seen anything to convince me that mental activity is only transmuted electric or magnetic or vital force. Nor do I believe that force of any kind is the product of material particles. I must therefore try the second horn of your dilemma. In this you present as the only alternative that 'the immortal reason by its mischievous activity in operating upon a broken instrument, must have the credit of committing every imaginable extravagance and crime.' Really you astonish me. Is the 'broken instrument' to have none of the credit? If a first-class musician plays upon a broken piano and produces execrable music, do you blame the musician or the instrument? I fear, most sage Lucretius, that your brain has not been cerebrating very satisfactorily of late."

It is but justice to Tyndall to point out that, although crediting Butler with so weakly acknowledging the force of the rubbish that he has put into the mouth of Lucretius, he yet permits the worthy prelate to conquer at last. The atoms of Lucretius are dead insensate things, as atoms ought to be, and Tyndall admits the position of Butler that out of such atoms the phenomena of consciousness cannot arise. Passing by Tyndall's discussion of Darwinism and evolution and other things of a kindred nature, we reach (p. 54) the essential point of his philosophy of science. "Two courses," he says, "and two only, are possible. Either let us open our doors freely to the conception of creative acts, or, abandoning them, let us radically change our notions of matter. If we look at matter as pictured by Democritus, and as defined for generations in our scientific text-book, the notion of any form of life whatever coming out of it is utterly unimaginable. The argument placed in the mouth of Bishop Butler suffices in my opinion to crush all such materialism as this. But those who framed these definitions of matter were not biologists, but mathematicians whose labours referred only to such accidents and properties of matter as could be expressed in their formulæ. The very intentness with which they pursued mechanical science, turned their thoughts aside from the science of life. May not their imperfect definitions be the real cause of our present dread? Divorced from matter, where is life to be found? Whatever our *faith* may say, our *knowledge* shows them to be indissolubly joined. Every meal we eat and every cup we drink illustrates the mysterious control of mind by matter.

"Trace the line of life backwards, and see it approaching more and more to what we call the purely physical condition. We come at length to those organisms which I have compared to

drops of oil suspended in a mixture of alcohol and water. We reach the *protogenes* of Haeckel, in which we have "a type distinguishable from a fragment of albumen only by its finely granular character." Can we pause here? We break a magnet and find two poles in each of its fragments. We continue the process of breaking; but, however small the parts, each carries with it, though enfeebled, the polarity of the whole. And when we can break no longer, we prolong the intellectual vision to the polar molecule. Are we not urged to do *something* similar in the case of life? . . . Believing as I do in the continuity of nature, I cannot stop abruptly where our microscopes cease to be of use. Here the vision of the mind authoritatively supplements the vision of the eye. By an intellectual necessity I cross the boundary of the experimental evidence, and discern in that matter which we, in our ignorance of its latent powers and notwithstanding our professed reverence for its Creator, have hitherto covered with opprobrium, the promise and potency of all terrestrial life."

In this statement of Tyndall's philosophy it is satisfactory to observe his admission, that there is an important sphere of thought which extends far beyond the reach of experimental evidence. It is all the more satisfactory to observe this in a man of science, as we have recently had an example of one professing a more liberal culture, insisting upon the restriction of even theological thought within the sphere of what we may not inaccurately call experimental evidence. The author of "*Literature and Dogma*" appears to have utterly failed to interpret the wants of our nature, when he thinks that we are satisfied with such a conception of God as can be verified, or that we can conscientiously and sincerely worship such an intellectual abstraction as "the eternal not ourselves which works for righteousness." And it is pleasing to turn from such phenomenalism in theology as this to the utterances of a purely scientific man who willingly acknowledges the "intellectual necessity" of going far beyond the boundary of experimental evidence in search of an explanation of the things that be.

At the same time, we fail to see that "clearness and thoroughness," which the author of the *Address* professes to desiderate. He appears in the first part of our quotation to abandon entirely the "conception of creative acts," while at the close of the quotation he speaks of the "Creator" of matter. We can scarcely charge such a generally clear writer with inconsistency here, and therefore we must seek for a reconciliation of the apparently incongruous ideas. Does he mean that a Creator must be admitted to account for the first existence of the matter which has in it "the promise and potency of all terrestrial life;" but that, this matter having been introduced into being, we can dispense with

all future creative acts and all divine government? Although the admission of an original Creator of matter is made in the most incidental way, and indeed appears to be reluctantly thrown in as a concession to those who are unreasonable enough to insist upon it, yet we presume that the author, if questioned, would not deny the "intellectual necessity" of assuming a Creator for his matter. We have then as the essential elements of Tyndall's philosophy: (1) a Creator whose function it is to bring into existence the material foundation of the universe; (2) matter which contains or is the support of certain powers; and (3) the development of this matter into all the forms and phenomena of "terrestrial life."

As the author of the Address does not profess to be a theologian, he tells us nothing about the nature of the Creator or of His work in the production of the matter; in fact he does little more than merely abstain from denying His existence altogether. The philosophy of Tyndall does not include any doctrine of the Creator or creation; if God's existence is to be admitted at all, He is required only to account for the existence of matter, and then He is to be excluded from the system which He has brought into being as of no further use. This mode of treating the Deity is by no means peculiar to the late President of the British Association. Throughout the greater part of the speculations of modern science there is to be found a similar exclusion of the Divine Being from the developed universe; the sphere of the known is the region of science; in that sphere there is to be found no God; the Creator is pushed out into the surrounding sphere of darkness and ignorance; and consequently as the sphere enlightened by human knowledge is gradually extended outward, the enclosing sphere of ignorance and blind faith retreats farther and farther. Such is the theology of ignorance which has grown up in connection with modern science, and which, if not contained in the Address, is at least not inconsistent with it, and is probably the only theology professed by its author.

We can understand the intellectual stand-point of those who take this view of things. They are chiefly men who are accustomed to confine their attention to physical phenomena, or who make the study of physical phenomena the basis of their enquiries regarding life and mind. Beginning with the objects of the senses, they include within the sphere of science nothing but what the senses can verify or at least nothing but what is directly inferred from sensible phenomena. Consequently they cannot see in the universe the presence and operation of the Higher Power whom men worship as God; and He is simply banished from the sphere which science believes it has fully explored. This position we say we can understand, but we do not at

all sympathize with it. Accustomed as we are to believe that God not only has created the universe, but also governs it, and that in no indirect way, we are incapable of accepting a philosophy of the universe which drives Him into the region of the unknown. And if there be an "intellectual necessity," which compels the scientific man to postulate the existence of powers and principles which the methods of science can never verify, we profess to be subject to the same "intellectual necessity" of postulating an all-pervading and intelligent Power who not only has operated at the beginning, but continues to operate throughout the whole progress of the universe in which we live.

There is, however, another view of the sphere of religion hinted at in this Address, with which we find it equally impossible to sympathize. "There is also," says Tyndall, "that deep-set feeling which, since the earliest dawn of history and probably for ages prior to all history, incorporated itself in the religions of the world. You who have escaped from these religions into the high-and-dry light of the intellect, may deride them; but in so doing you deride accidents of form merely, and fail to touch the immovable basis of the religious sentiment in the nature of man. To yield this sentiment reasonable satisfaction is the problem of problems at the present hour. And grotesque in relation to scientific culture as many of the religions of the world have been and are, dangerous—nay, destructive to the dearest privileges of freemen as some of them undoubtedly have been and would, if they could, be again, it will be wise to recognize them as the forms of a force, mischievous if permitted to intrude on the region of *knowledge* over which it holds no command, but capable of being guided to noble issues in the region of *emotion*, which is its proper and elevated sphere."

Now, whatever others may think, there appears to us to be implied in these words a *fundamental misconception* of the nature and relations of our religious principles. All our emotions must have some object of the intellect with which they are connected and from which they arise. We are incapable of comprehending emotions which spring out of nothing; we believe that all strong emotions of the human heart arise from some objects or facts which the human mind can conceive or know. We believe, therefore, that there must be an intellectual basis for the religious sentiment which Tyndall acknowledges to be immovably established in the nature of man. Now, what intellectual basis does the philosophy of Tyndall and others of his class offer to the religious sentiment of the human heart? A Deity who once acted in the production of matter, but who is now of no further use in the universe which He was temporarily called forth to create. Surely, such a basis as this is an insult equally to the intellect which

it is supposed to satisfy, and the emotions of which it is offered as the foundation. We can sympathize with Professor Tyndall when he protests against the control of science by an ecclesiastical organization, banded together for the purpose or at least with the effect of preventing the progress of knowledge and of perpetuating scientific error. We have no sympathy with those who dread the progress of scientific discovery, lest some of their favourite inherited beliefs should be shown to be baseless. But we protest against a science superficial and one-sided, which ignores the better-half of the phenomena which it professes to study; we protest against a science which cuts away the foundation from the highest, the noblest and the most powerful emotions which have appeared amongst men and for better or worse have so mightily influenced human history; we protest against a science which, calling itself science, passes beyond the region of phenomena, and applying the methods of science to the objects of faith, virtually drives out from the universe its own Author and Governor.

Having seen the unsatisfactoriness of the foundation afforded to the religious sentiment by the philosophy which modern scientists profess, we proceed now to examine the matter which Tyndall places at the foundation of terrestrial life. It is admitted by all, Tyndall as well as others, that matter in its metaphysical sense transcends the bounds of experience. But there are different ways of getting at the conception of this matter, and it may help us in our criticism to examine them. Tyndall has, in his Address, illustrated one of these ways, which we shall call the mechanical. If you break a magnet, you find two poles in each of the fragments. Continue the process of breaking until you reach the smallest fragments which you are able to manipulate; you can imagine, or perhaps directly perceive, that each of the fragments possesses powers similar in kind to those of the original magnet. So any material body may be broken into most minute parts until you get to the limits of microscopic vision, and each of these parts possesses the properties of the original lump. Now, scientific men borrowing a philosophical method, carry the process of division and sub-division in imagination far beyond the sphere of human experience, until they reach an *atom*, which is supposed to be the smallest particle into which the body under manipulation is capable of being broken. Each atom of any material simple element is, as a matter of course, endowed with all the properties found in the original body. And out of these atoms the constructive minds of the scientific world proceed to fabricate the universe, or rather to show how, by atomic forces and laws, the universe is evolved. Now let us examine this mechanical method of reaching the ground of the universe and its result.

The mechanical process of analyzing or breaking up any compound or simple material body so as to reach its primary elements or smallest parts, belongs essentially to the method of science. The complex body subjected to the method, as well as the atoms which are the results of it, are phenomena, that is, *objects of knowledge*. It may be objected to this statement that the atoms are not objects of knowledge inasmuch as they are too minute to be perceived by any of our senses, even when aided by the most powerful artificial appliances. But notwithstanding this objection, we adhere to our statement. The atoms of modern science are essentially *phenomenal*. They may transcend our experience, but they are *of the same nature* as the objects which we know, only more minute. And if we conceive a race of intelligent demons with faculties of perception correspondingly subtle, the atoms would be perceptible to them in the same way as physical phenomena are now to us. It is simply impossible for mechanical or chemical analysis to arrive at anything which is not a phenomenon or conceived of as a phenomenon. And in the atoms of modern science we have minute phenomenal objects, which, although ultra-experimental and unverifiable, are of such a nature that we could perceive them if our senses were sufficiently microscopic. Now, what is the meaning of saying that we could perceive them, that they are phenomena?

When we perceive any object, our senses are affected in some special way. The retinæ of our eyes are impressed by something objective which we call a ray of light. The impression, the sensation, the colour, is the phenomenon which we know; the objective thing which we denominate a ray of light is inferred, but it is unknown. The points of our fingers are impressed by some object, and our muscular force is resisted; these tactual and muscular sensations we know; but by a process which we need not now explain we transfer them in imagination outside of us, and believe in the hardness and other tactual qualities of something which we call body. But this body is unknown, except through its qualities, that is through our sensations objectified. What body is apart from our knowledge of it we cannot tell, but we think of it as having, or rather being, certain powers which affect us in certain ways. All phenomena are composed of sensations or affections of the organism, transferred outwards and supposed to have independent existence. But there is an intellectual necessity which compels us to account for phenomena by something objective, which is neither a phenomenon nor of the nature of one. We see a colour; we are compelled to infer a ray of light as the cause of it. We hear a sound; we must conclude some objective force which has struck us from without. Our muscular force is resisted; we are compelled to infer an objective force which

resists. Every sensation by which the objective world becomes known to us must be accounted for by something objective,—not a sensation, but a power which, coming into contact with us, contributes to the production of sensation. Thus psychological analysis reduces all phenomena into sensations and some objective inferred powers which have contributed to their formation. And it matters not how minute phenomena are ; if they are phenomena, that is, objects of knowledge or possible knowledge, they must be accounted for by something behind and beyond themselves which is not an object of knowledge. This is true of the atoms of science. They are conceived of as phenomena, and as such they demand to be accounted for by something beyond and behind themselves. They may be satisfactory to the man of science who, as such, does not pretend to seek for any non-phenomenal explanation of things. They certainly are the only explanation of phenomena which the methods of science are capable of reaching. But to the philosopher acquainted with the use of philosophical methods of study, the atomic theory of the universe must appear altogether inadequate.

Thus if we adopt the philosophical instead of the mechanical method of analyzing phenomena, we reach as the ground of the phenomenal universe, not material atoms, but active forces. In fact, the objects with which we come into contact in our daily experience appear to be composed entirely of various localized and permanently active powers. The whole universe, inorganic as well as organic, appears instinct with life and power. And if we are able to analyze the objects of our knowledge into sensations and their forms, and account for them by postulating objective powers, the question arises, where is the intellectual necessity of atoms at all? The scientist may require them as a phenomenal explanation of complex objects, and he does not need to look beyond them nor does his method enable him to go beyond them. The philosopher or the man of thought *must* pass beyond them, as we have shown, and having got beyond them, he cannot see the need of retaining them in his philosophical system at all. It may be said that some matter is required to form a *locus standi*, as it were, for objective powers. Tyndall asks, "Divorced from matter, where is life to be found?" And he would perhaps ask the same question regarding all natural forces. "There is need of clearness and thoroughness here." What is the nature of the matter with which life and all the forces that we know of are connected? It is phenomenal matter, matter as an object of our senses. And we have already seen that all such objects must be regarded as themselves constituted by a variety of combined powers which, coming into contact with our sensibility, give rise to the qualities that we perceive. And hence when we say that a power of any kind acts upon or is connected with matter, we mean simply that

a power which affects us in a certain way is connected with other powers which affect us in other ways. All material bodies as we know them are partly the creation of our own conscious life, and partly of an objective activity, whether conscious or unconscious. It is proper for science to consider these objects as independently existing apart from the mind; and it may be proper for science to hold that no force can be exerted apart from matter. But when the scientific man tries to impose this principle upon philosophy, he is going beyond his sphere; and the philosopher has a right to stop him with, "Thus far shalt thou go but no farther." We must protest against the transference of principles of scientific reasoning into a sphere which transcends science. And hence, although in our experience all force may appear to be connected with things which we call material, yet these very things are themselves but manifestations of other forces, and we have no warrant to carry what we call matter beyond the sphere of known or knowable phenomena at all. If we do so, it can only be to help us to conceive a state of things which transcends our experience, and a conception thus assisted must be admitted incorrect.

Again, there is another question connected with this subject to which we must turn our attention. The exponents of modern science exert all their endeavours to show how, without admitting the activity of an intelligent first cause, all the phenomena of life and mind may be evolved from the atomic ground assumed to explain the universe.

It cannot be denied, that Darwin, Wallace and others, have brought to light many interesting and important facts bearing upon the history of natural species; and there is no reasonable man who has the slightest interest in undervaluing any of their discoveries. The theory, however, which they would wish to establish, is as yet only hypothetical. They cannot be said to have demonstrated the origin of species by natural selection; still less can it be said that organisms possessing life have been shown to be capable of origination from material elements not possessed of life. This latter is admitted by Tyndall. But supposing that either or both of these positions were established, what then? Do they remove the "intellectual necessity" of postulating an intelligent designing cause? Most assuredly not. We have already seen the necessity of inferring some power acting behind or beneath every phenomenal quality or body, in order to account for the existence of that quality or body. And we must carry the same principle with us in studying the more complex phenomenal qualities and activities which are found in living beings. The theory of material atoms having in themselves the "promise and potency of all forms of terrestrial life" is purely hypothetical; and such atoms melt into useless fictions when subjected to careful

philosophical analysis. Laying them aside, therefore, we may examine some possible explanations of the origin of the successively higher forms and activities of organized beings. We may trace out in a rough way three great stages of cosmical progress. We have in the first place, the material foundation consisting of what are called inorganic elements, which are subjected to the ordinary forces and laws with which we are familiar in mechanics and chemistry. In the second place, we observe a higher class of bodies possessing an organized structure, and exhibiting the operation of a new power and higher laws—the power and the laws of life. In the third place there are some organized beings who manifest an activity of a still higher kind which is subject to different laws, the activity, namely, displayed in consciousness which is subject to the laws of mind. Now the problems which have to be solved, refer to the nature and relations of these three kinds of forces or activities and laws. Are the forces or activities of a mechanical or chemical kind; of a vital kind and of a mental kind, essentially identical or essentially different? If life and mind are essentially different from mechanical or chemical forces, how have they originated?

There are those who hold that these three classes of forces and laws are essentially the same, that amidst all the external phenomenal diversities there is an internal essential identity. This doctrine is partly an assumption and partly the result of certain observed correlations of different phenomena. If we take a subjective stand-point and observe different classes of phenomena in relation to consciousness and its laws, we observe that the phenomena and laws of consciousness have a certain correspondence with those of external things; that there is a reason in things answering to the reason which constitutes our conscious life. And, assuming that this correspondence between the subjective and the objective is universal and complete, that the laws of thought are also the laws of things, that, in short, things are nothing but thoughts rendered objective, the Hegelian, taking the laws of thought as his basis, applies them to the evolution of the cosmos. If, again, we turn our attention to the objects and forces of the external universe, we may observe a certain correlation between them. Light and heat, electricity and magnetism, are capable of transmutation; that is, under certain circumstances, the one passes into the other. Life also is supported apparently by consuming forces or materials of a mechanical or chemical kind. And the phenomena of mind appear to have in some cases a correlation with phenomena of a physical kind. Assuming that there is a complete correlation and essential identity between these different kinds of forces and activities, the modern evolutionist endeavours to express the

higher phenomena and laws of life and mind in terms of those of mechanical and chemical dynamics. Thus, upon the assumption of the identity of mechanical, vital and mental forces, we have two philosophical systems: the one begins from the subjective and works outwards to the objective; the other begins from the objective and works inwards towards the subjective; both begin from lower and more universal forms, and work upwards to higher and more special; both work out their evolution or development independent of any exterior or anterior designing power.

Now there can be no doubt but both of these philosophical theories have been wrought out with wonderful ingenuity and ability, and that by their means the relations of many different phenomena have been successfully explained. A wonderful knowledge of facts and great genius have been brought to the aid of both; and it is not to be wondered at that two such ambitious and ably supported systems of philosophy should find many supporters and defenders. But, notwithstanding the greatness and learning of those who have originated and defended them, we must decline to admit either as resting upon a sufficient foundation. The assumption that the human mind is the measure of the universe, that the phenomena and laws of mind are not essentially different from objective things and their laws, which lies at the foundation of idealism, is *only* an assumption which is evidently dictated by the desire of an ambitious mind to discover some central principle by which all problems may be solved. The other assumption that the phenomena and laws of mind are only a higher manifestation of the forces and activities of the inorganic and organic objective world, is also *only* an assumption originating in the same way. And although there may be many facts which appear to support both of these assumptions, we think that such sweeping generalizations are unworthy of that caution and modesty which should characterize men of science; and after studying carefully the relation of our own finite mind to the great universe, we have come to the conclusion that we are incapable of discovering the essential nature and laws of that universe, and that a philosophy of the cosmos is, in our present condition, at least unattainable. By the evolutionist it is indeed admitted, and Tyndall does not deny it, that at present there are many unsolved problems, many difficulties in the process of development which have yet to be explained, many gaps yet to be filled up. But, notwithstanding this admission, there is still the underlying assumption that by some further advances in knowledge the gaps *may* be filled up and the problems solved. And there appears to be a rapidly spreading opinion that the process of evolution *sine Deo* may be shown to be a sufficient explanation of all things. Let us examine the grounds of these expectations.

Whatever we may hold regarding the essential identity of mechanical forces and vital forces, we must admit that the manifestations of the latter are different from and higher than those of the former. We are quite on our guard against personifying those peculiar phenomena which constitute what we call life; we are quite aware that life, *as it is known to us*, is simply a name for certain phenomenal conditions and actions. But at the same time the relations between vital phenomena and those of inorganic nature are of such a kind that we, for our part, are under an "intellectual necessity" of inferring a power underlying the phenomena of life higher in kind than what is to be observed in lower nature. Vital phenomena rise up out of those of inorganic nature; the hidden power which gives rise to life, seems to make use of and control the mechanical and chemical forces around it. We find ourselves incapable of conceiving how lower powers can of themselves elevate themselves to the rank of higher and then turn round and interfere with and control those from which they sprang. We have not been able so far to think ourselves into the position of an evolutionist as to conceive gravitation or electricity potentiating themselves up into the organizing power which converts oxygen, hydrogen, nitrogen, and carbon into living vegetables or animals. Consequently we do not see how any scientific discoveries which *could* be made, would be sufficient to establish the fundamental position of evolutionism.

Our inability to accept the principle of evolution is greatly increased when we compare the phenomena of *consciousness* with those of organic life and inorganic matter. Although it were established that many of the phenomena of our conscious life occur in correlation with others of a physical kind, yet we find it impossible to conceive that the former are simply modifications of the latter. We cannot understand how consciousness can of itself spring out of unconsciousness. And especially when we see conscious effort *governing and guiding* unconscious organic force, we cannot see how the former should be simply a higher potency of the latter. Thus, it will be seen that we decline to accept the doctrine of evolution, not because it yet lacks a sufficient amount of evidence to establish it, but because no amount of phenomenal knowledge could possibly establish it. It is essentially an ultra-experimental speculation, and we have seen that it is not adequate to the explanation of the relations of different orders of phenomena to one another.

Professor Tyndall remarks:—"The strength of the doctrine of evolution consists, not in an experimental demonstration (for the subject is hardly accessible to this mode of proof) but in its general harmony with scientific thought." What this means,

scarcely appears clear to us. The doctrine of evolution is, we presume, the result of the application of minds trained in science to philosophical questions, that is, the result of what we may call scientific thought. Does this mean anything more than simply that the conclusions of scientific men regarding philosophical problems harmonize with their conclusions regarding phenomenal problems, and that this harmony is the chief strength of their doctrine? We should say that such a harmony as this would not furnish to unprejudiced thinkers a very satisfactory ground for accepting such an extensive system as that of evolution. And if no positive evidence stronger than "general harmony with scientific thought" be submitted, we must fall back upon the inconceivability of the principal assumptions of the evolution doctrine as a sufficient ground for rejecting it.

Professor Tyndall further observes:—"From contrast, moreover, it derives enormous relative strength. On the one side we have a theory (if it could with any propriety be so called) derived . . . not from the study of nature but from the observation of men—a theory which converts the Power whose garment is seen in the visible universe into an artificer, fashioned after the human model and acting by broken efforts as man is seen to act. On the other side we have the conception that all we see around us and all we feel within us—the phenomena of physical nature as well as those of the human mind—have their unsearchable roots in a cosmical life, if I dare apply the term, an infinitesimal span of which is offered to the investigation of man."

What the theory is to which Professor Tyndall refers in the first part of this extract, we do not know. We are not aware of any theory of God's nature or government which represents Him as "an artificer fashioned after the human model and acting by broken efforts, as man is seen to act." There may be and doubtless are many absurd popular conceptions of God's nature and mode of acting, but those who seek after and hold a *reasonable* belief in a Creator and Ruler of the universe do not wish to be credited with the absurdities of unreasoning men. And it is unworthy of scientific men that, when they contrast their own views with those of the religious world, they should select for their unfavourable comparisons crude popular conceptions instead of carefully thought out doctrines. But there is one feature in the theory described and contemptuously dismissed by Tyndall which we have no hesitation in defending, after it has been subjected to a certain qualification. If, instead of "a theory derived, not from the study of nature but from the observation of men," Tyndall had referred to "a theory derived not only from the study of nature but also and chiefly from the observation of men," we should gladly adopt such a theory as our own. We believe

that the whole universe is a manifestation of God's power and wisdom ; but surely our human nature is a higher manifestation of His attributes than can be found elsewhere. If, therefore, we are to form a conception of the unseen Power, which Tyndall admits, from the study of those phenomena of which that Power is the inferred cause, surely we ought to base our conception upon the highest instead of the lowest manifestation of the Power. If reason and goodness appear as the crowning qualities of the highest beings known to us, surely it is not unreasonable to attribute these qualities in their perfection to Him who is believed in as the source and centre from which all phenomena derive their being and nature. We feel ourselves compelled by an "intellectual necessity" to think that there is as much in the cause as there is in the effect ; and if there is that in conscious activity which is not in mere organic life, if there is that in organic life which is not in inorganic matter, we feel ourselves compelled to go backwards to a more remote beginning, and infer a cause which contains in itself the Power of producing the highest form of manifested being. And we cannot imagine any Power capable of producing intelligence except one possessing intelligence ; we cannot imagine any Power capable of producing virtuous beings except one possessing virtue.

There is one passage more in the Address to which we shall refer before closing our review. "The 'materialism' here professed may be vastly different from what you suppose, and I therefore crave your gracious patience to the end. 'The question of an external world,' says Mr. J. S. Mill, 'is the great battle-ground of metaphysics.' Mr. Mill himself reduces external phenomena to 'possibilities of sensation.' Kant, as we have seen, made time and space forms of our own intuitions. Fichte, having first by the inexorable logic of his understanding proved himself to be a mere link in that chain of eternal causation which holds so rigidly in nature, violently broke the chain by making nature, and all that it inherits, an apparition of his own mind. And it is by no means easy to combat such notions. For when I say, I see you, and that I have not the least doubt about it, the reply is that what I am really conscious of is an affection of my own retina. And if I urge that I can check my sight of you by touching you, the retort would be that I am equally transgressing the limits of fact ; for what I am really conscious of is, not that you are there, but that the nerves of my hand have undergone a change. All we hear and see and touch and taste and smell, are, it would be urged, mere variations of our own condition, beyond which, even to the extent of a hair's breadth, we cannot go. That anything answering to our impressions exists outside of ourselves is not a *fact* but an *inference*, to which

all validity would be denied by an idealist like Berkeley, or by a sceptic like Hume. Mr. Spencer takes another line. With him, as with the uneducated man, there is no doubt or question as to the existence of an external world. But he differs from the uneducated, who thinks that the world really is what consciousness represents it to be. Our states of consciousness are mere *symbols* of an outside entity which produces them and determines the order of their succession, but the real nature of which we can never know. In fact the whole process of evolution is the manifestation of a Power absolutely inscrutable to the intellect of man. As little in our day as in the day of Job can man by searching find this Power out. Considered fundamentally, then, it is by the operation of an insoluble mystery that life on earth is evolved, species differentiated, and mind unfolded from their preponent elements in the immeasurable past. There is, you will observe, no very rank materialism here." (pp. 56—58)

It is somewhat amusing to see such names as Mill, Kant, Fichte, Berkeley, Hume and Spencer, brought into such close juxtaposition, and represented as all testifying to the inscrutableness of that Power which produces and determines all things. Surely, the man of science is here transgressing his sphere and speaking about unfamiliar subjects. What would the pious Bishop Berkeley, who believed that he enjoyed a very direct and intimate knowledge of the unseen Power or mind of the universe, think if he saw his name placed in such company as that of J. S. Mill and Hume! Passing by, however, the incongruity of the names, we offer a few remarks upon the admission here contained.

The doctrine of evolution, of which Professor Tyndall speaks so highly, may, perhaps, be viewed in two lights. As a doctrine of *science* it should be concerned only with phenomena, because scientific men do not profess an ability to study anything but phenomena. If it be concerned only with phenomena, it will have, however, a very restricted sphere for its operation. Phenomena, having certain relations of resemblance and difference, succeed one another; lower and more simple kinds of phenomena precede higher and more complex; the lower are composed of organs which in the higher assume more complex and perfect forms. This progress in the order of phenomena is the result of certain laws which are called laws of evolution. Now the question is, are these laws of evolution laws of the relations of phenomena only? Scientific men must answer in the affirmative, because the establishment of a law implies that the objects controlled by the law are known. It follows then that the higher orders of phenomena are evolved from the lower; objects of a simpler kind evolve themselves into objects

of a more complex. But every object which we know is an individual thing ; every plant or animal is a single object which has a temporary existence, and from which is produced the germ of a new object of a similar kind. Now, what is it that is transmitted from the parent to the offspring? Is it the phenomenal material of which the offspring is composed? Or is it not rather the organizing power which enables the offspring to take in materials from external sources and build up its own organism similar to that of its parent? It appears then that species are perpetuated by the transmission of an organizing power from parents to offspring ; and it is only by assuming this transmission that we can see any real connection between preceding and succeeding resembling objects. Thus evolution, if it is concerned only with phenomena, certainly assumes some underlying causal link between succeeding phenomena which is itself not phenomenal. And this underlying power which manifests itself, now in a lower order of phenomena, now in a higher, is absolutely essential to the very idea of evolution. Individual objects which begin to exist and then die, cannot with any decree of propriety be spoken of as evolving themselves into higher forms. That which evolves itself has, from the nature of our conception of evolution, a *continuity* of existence quite inconsistent with the transient character of phenomenal objects. Thus when we come to investigate into the nature of evolution, we find that it is concerned with a continuously acting power, not itself phenomenal but manifesting its activity in the production of various forms of phenomenal existence ; and the laws of evolution cannot therefore be simply phenomenal laws. But in determining the laws by which anything is governed, it is implied that we know a good deal about that thing. How then does Professor Tyndall say that "the whole process of evolution is the manifestation of a Power absolutely inscrutable to the intellect of man?" If the philosophy of evolution is not conversant with a continuously existing Power underlying phenomena, it must be restricted to the relations of more or less closely resembling objects of knowledge, and, thus restricted, it appears to us meaningless and useless. If it is conversant with an underlying Power manifested in phenomenal objects, it assumes a knowledge of that Power, which by Professor Tyndall is here utterly repudiated.

There is much need of a more clearly defined line of demarcation between science on the one hand and philosophy and theology on the other. It doubtless has been prejudicial to the interest of truth that ecclesiastical organizations have intruded within the domain of science and prescribed upon authority what men should believe regarding subjects which ought to be freely investigated by reason. But it is equally prejudicial to the

interest of truth when science transgresses its sphere, and assuming a knowledge of that which is only an object of inference or faith, dictates to philosophy and theology the methods which they are to pursue and the results which they may reach; or, denying all knowledge of what is not phenomenal, saps the foundation of all thought regarding the object of our philosophical or religious faith. There is a great deal of *phenomenal knowledge* with which science deals; this may be a source of interest and pleasure to all, and should be pursued solely by the methods of science. There are important *inferences* which the thoughtful man must draw regarding hidden powers of nature and mind, but these are not verifiable upon scientific methods, and the scientific man, as such, should leave them to the philosopher, or acknowledge that in dealing with them he is transgressing the bounds of science. There are also higher and more sublime *mysteries*, the objects of faith to the religious man, and which the Christian theologian believes to be not discoverable by reason but communicated by revelation; both science and philosophy should acknowledge their inability to deal with these, but neither science nor philosophy have any right to sit in judgment upon these objects of faith and deny their truth because they are incapable of being known or conceived. The theologian, the philosopher and the scientist, have each an important sphere of labour, and it would surely be for the interest of truth and the good of mankind if each, instead of trying to jostle the other out of existence, should endeavour to bring the results of the other's labours into harmony with his own, and where this cannot be done, honestly acknowledge that there may be a multitude of things in this great universe of ours which we cannot reduce to a harmonious system, but which nevertheless it is necessary for us to believe.

J.

ART. XI.—NOTES ON THE HINDI LANGUAGE.

IT has sometimes been urged that there is no one language as distinct from all others that is entitled to the name of Hindí, but that there is a language which embraces that speech which is common as a *lingua franca* to the people of Hindústán, and that this language might be broadly termed 'the Hindústání language.' The language, however, which is commonly known as Hindústání, is the same that is often more accurately termed Urdú (the language of the camp, *i.e.*, the mixed or mongrel language): its vocabulary is largely indebted to those languages of India that were prior to the advent of the Muhammadans, but more largely still to the Arabic and Persian; and it is chiefly current among the Muhammadans of the larger cities of Upper India where Muhammadan influence so long predominated. On the other hand, there is a speech common in the Feudatory States of Upper India and generally among the agricultural population of those villages and towns which are more or less removed from English and Muhammadan influence, which the European residents, and even the Muhammadans of the larger cities, do not understand,—that speech is Hindí. It was the language of the Hindús of Upper India before the Muhammadans came, and no inconsiderable portion of its vocabulary is believed to have been antecedent even to the Aryan immigration. This language is not (as has sometimes been affirmed) a mere offshoot or corrupt dialect of the Urdú: it is a separate language, having a vocabulary of its own, together with a system of terminations as clearly defined as is usually found in the case of languages which have been so little subjected to scientific culture and criticism. Proof of this will be vividly realized by anyone who may glance at a page of Tulsí Dás or of Kabír, the two favourite authors of the Hindí-speaking people. The fact, however, of the existence of such a thing as the Hindí language considered as distinct from Urdú will, of course, be coolly denied by nearly all Muhammadans; and they will do so partly from defective information, partly from the well-known race-antipathy, and partly from their strong ecclesiastical prepossessions: the real fact being that the Hindí language is almost as little understood by the haughty and isolated Muhammadans of the cities as the language of Italy would be in the streets of Berlin. It should, however, be observed that the long period of the political predominance of the Muhammadans tended to give special currency to that form which the mixed language took in their talk: hence, in what is called 'Pure Urdú' there is a clearness

of outline in the use of terminations, a tendency to reduce to a minimum the nasal element occasioned by the *anusvár*, and a neglect of the grand old Prákrit element in the vocabulary in favour of sounds Shemitic and Iránian. What is called, for the sake of convenience, the 'Siddh Bolí' or 'Kharí Bolí' or the 'Standard Dialect,' is that form of the Hindi language which has received its definiteness of outline from this Muhammadan influence: it is also called 'High Hindi,' though, apart from the mere question of the convenience of giving it a name, it is not easy to see why it should be so called. It is, in fact, merely that form of Hindi which approaches the most nearly to the type of the Urdú of the Muhammadans; and it may be suspected that it has been so called by Europeans under an impression that what is really Hindi is, after all, nothing more than a corruption of it or a diversion from it: its claim, however, to be called (as it sometimes is) 'Pure Hindi' is a matter which it would not be easy to establish to the satisfaction of Hindi scholars. It is, in fact, merely one of the many dialectic phases of the Hindi language, and in the estimation of no inconsiderable body of those most competent to judge, it is by far the least attractive and the least interesting,—the charm of real Hindi for such men consisting in great measure in the endless philological problems it embodies. It is in this dialect (of 'Pure Hindi') that Europeans usually speak, when they speak in Hindi at all; and it may even be feared that they often do so under an impression that the people understand what they say.

Some idea may be formed as to the distinct importance of the Hindi language, from the following extract from Mr. John Beames's valuable *Outlines of Indian Philology*. On page 13 he says, "The Hindi covers a greater area than any other Indian dialect. The western boundary may be placed about Sirhind ($76^{\circ} 30'$ long., $30^{\circ} 45'$ lat.) and goes side by side with Panjábí southwards through the deserts of Patiálá and Bháwalpur, till it meets Sindí near Jysulmere. It then turns westwards through Udaypur, where it is conterminous with Gujerátí and Máraṭhí. The Hindi of these parts is much mixed with Sindí and Gujerátí. About Indore the three languages meet. From this point the Vindhya and Sátpura ranges bound it to the south as far as the Soane, which it follows northwards to Sirguja, thence skirting the Sánthál and Rájmahál hills to the Ganges which it crosses at or near $87^{\circ} 45'$ long., and goes in a line due north to the hills. These boundaries are, of course, approximate only, etc." Statements differ as to the number of persons to whom Hindi is a mother-tongue,—the figures ranging from fifty to eighty millions. Nearly each province of the vast territory through which it is spoken has its own peculiar modification of the language, which is as distinctly

marked to the practised ear and to the people themselves as the brogue of the Cornishman is to the Cockney. We do not say that the speech of the Cockney alone is English or the vernacular of England, and that the respective dialects of the Cornishman or of the Yorkshireman should be differently designated: we say that it is, in each instance, the English language, but under different dialectic phases. Similarly, the dialects of Hindí are numerous and clearly marked: the following are enumerated in the work quoted above:—1, the Maithil dialect of Hindí, spoken in Purneah and Tirhut; 2, the Magadh dialect, in south Bihár; 3, Bhojpuri, in Sháhábád, Sáran, Champáran, Goruckpur, Eastern Oudh, and Benares; 4, Kosalí in Oudh and Rohilkhand; 5, Braj, in the Upper Doáb, Agra and Delhi; 6, Kanaují, in the Lower Doáb; 7, the numerous dialects of Hindí spoken in Rájputána; 8, the Bundelkhand dialect, spoken from Chambal to the Soane. These limitations, again, are approximate only.

Again, the Hindí language has a considerable literature, and from present appearances it may be inferred that its literature is likely to grow. All the more important and popular books of the ancient Sañskrit writers have been rendered (with more or less of freeness however) by pandits into this language and the translations (or, more properly, the *transfusions*) are known and studied by the people. We say nothing of that large and rapidly growing supply of Hindí literature which has been provided under the patronage of Government for use in schools and colleges, nor of the large contributions which have been made by the various evangelizing bodies who labour in those parts of the country where Hindí is the mother-tongue of the people; for such literature can hardly be said to be indigenous—the spontaneous offspring of the nation's genius. Still, this too is a branch of the Hindí literature, and its very existence argues the distinct importance of the language we are now considering. In the application of the science of comparative philology to the living languages of India, a knowledge of the various dialects of Hindí (considered as one of the Prákrits) is essential.—With these facts before us, little need be added to show the importance of the study of Hindí; yet less, probably, has been done by European enterprise towards the cultivation and development of this language than for almost any other language in the Queen's dominions in the East. When we remember to how large a proportion of the people of this country the Hindí is a mother-tongue, it is clear that no Government officer can be supposed to carry on his work intelligently without a good practical acquaintance with it, and that no Missionary who aims at carrying his enterprise into the rural districts, or who hopes to be understood by any ordinary assemblage of

Hindús in these provinces, can preach with efficiency unless he use this language.

The Hindí language, like nearly all others, is composite. Of its vocabulary it may be said that about two-thirds are pure unaltered Saṅskrit: of the remaining third, a large number of the words have been taken, with or without modification, directly or indirectly, from the Arabic and Persian, and have proved their title to be considered part of the vocabulary of the language by their constant appearance in the Hindí speech and writings of both Asiatic and European scholars. Some few English terms also have found their way into Hindí (as also into the other living languages of India) in some technical sense: these sometimes occur alone, and sometimes as one of the elements in some hybrid word. As one example out of many that might be quoted, we may instance the word *tikāt*, 'ticket': this word has fairly established itself in the vernacular as the technical term for the five following meanings:—(1) a postage-stamp; (2) a railway-ticket; (3) a badge; (4) a visiting-card; (5) a label. When such words have fairly settled themselves down in the speech of a people as universally-understood and universally-used technicalities, we are compelled to regard them as integral parts of a language: we *must* acknowledge such phenomena, however much we may regret them,—they are the natural consequence of international communication and foreign ascendancy, and we cannot get along if we curtly ignore them. Not only are words of foreign origin thus imported into Hindí, but also a large number of hybrids exist in the language having one member Saṅskrit or Prākṛit, and the other Arabic or Persian; or one member English and the other Oriental; thus, *senāddār*, made up of the Saṅskrit *senā* + Persian *dār*: again *hakkbhent*, made up of Persian *haqq*, + Hindí *bhent*: again *jēlkhānā*, made up English 'jail' + Persian *khānā*: other examples are *thānāddār*, *haṇsikhushī*, *bañkghar*, *deorhidār*, *atkalbāz*, *ekalkhorā*, *relgāri*, *ainthakhān*, *shiskshānawīs*. A large number of the technical terms of the law and faith and ritual of the Muhammadans have so effectually settled down in the language and literature of the Hindí-speaking people, as to have almost rendered *effete* their Hindí equivalents. No lover of real Hindí can regret this state of things more sincerely than we do, for not only is the very appearance of the foreign element an eyesore; it has also this additional provocation that it is not really necessary. For nearly all such words there might be found in the purely Hindí vocabulary true equivalents: they became, however, embodied in the language during the long period of the Muhammadan ascendancy, and the greater number of them serve to show the nature and the degree of that foreign influence as to the national life of the conquered race. Moreover,

not only have such words been caught up by the uneducated from the lips of their conquerors, they are also worked into the deliberate compositions of even their best authors. It would not be difficult to point out to the reader Persian and Arabic words in the pages of those celebrated popular favourites, Tulsí Dás and Kabír:—nay, even from the days of Chand Bardai, the earliest Hindí poet, down to the most recent times, there has not yet appeared the native writer of Hindí who has succeeded in keeping his pages clear of that foreign taint; while in some instances, even in the case of the productions of learned Hindús, such words might be swept off almost in handfuls from page after page. These foreign words are not unfrequently introduced by Hindí writers in their unaltered form; thus, we have *dām*, *har*, *darbār*, *lagān*, *bād*: or, as nearly so as the difference of alphabets will admit of; thus *bāg*, *jīn*, *khābar*, *garīb*, *jor*, *maskharī*, *pharāk*, *khānā*, *miāj*, *phauj*, *ruk*, *jahāj*: while others are more or less disguised; thus, *khābarī*, *newāj*, *bakṣa*, *kāgad*, *sarāph*, *lāyak*, *jīnī*, *sūpetī*. (These are only a few culled from Tulsí's *Rāmāyan*.) In fact, every principle of change with which linguists are familiar comes into operation in this language; for example, assimilation, compensation, contraction, expansion, substitution, inversion, transposition, together with almost every conceivable species of mutilation or decay. Examples might be supplied in abundance did our limits admit of them. Many writers (not satisfied, seemingly, with the large Saṅskrit element already in the language) embody in their productions Saṅskrit inflected forms; and this, even when there is no real exigency; for example, we find Saṅskrit genitives and plurals, and parts of the Saṅskrit verb. Thus we have in Tulsí's *Rāmāyan* such purely Saṅskrit forms as *evamastu*, *evambhabatu*, *tabhyam*, *bhawami*, etc. Such words are dragged into the literature sometimes by the pedantry of the pandits, sometimes by the caprice of the poets, sometimes, again, it must be admitted, on account of the exigencies of the many metres. It has sometimes been urged that words and phrases purely Saṅskrit have no more claim to a place in our Hindí Dictionaries than words or phrases purely Latin or French, which may happen to occur in English books, have to a place in an English Dictionary. But we submit that such a theory fails us just at the point where it is needed to stand. The introduction of phrases and words purely Latin or French into English books is not, properly speaking, a necessity; that is, in most such instances the same functions might be adequately discharged by English terms properly selected; while in the case of Hindí the expressions are worked up by the poets for their metre, and are chosen sometimes on account of their quantity, metrically considered, or because of their greater expressiveness as being

currently better known by the people for whom the poets wrote. Those, again, who hold the opinion to which we are now taking exception, would surely not object to the use, in English composition, of those words which are foreign to English, but which yet express ideas that cannot be expressed in English, excepting by circumlocution; as, for example, the French *début* and the Latin *pace*: we presume it would be agreed on all hands that no English Dictionary could be considered to be all that it should be, if such words were excluded from it. Now, this same plea might be put in concerning many of the words of this nature that occur in Hindí. Admitting that the foreign or learned element in Hindí books has, in some instances, been drawn in by reason of the pedantry of native writers who have embodied them not under the pressure of the poverty of the vernacular, but rather from a desire to impress us with a due sense of the extent of their resources; still, if a Hindí book is to be made intelligible to an English reader, we are compelled to incorporate such words in Hindí Dictionaries intended for European students; unless we are to pre-suppose a knowledge of at least Saṁskrit, Arabic and Persian in every European who wishes to study Hindí; which, we suppose, would be absurd. No amount of mere Hindí scholarship could even suggest to a man the faintest inkling of the exact meaning of the word *tabhyam*, and of the other words just quoted from the Hindí *Rámáyana*. When Arabic and Persian words find their way into Hindí, they speedily exemplify the characteristic differences of the Shemitic and Aryan alphabets, and become amenable to Hindí laws of pronunciation and spelling: thus we even get such noteworthy changes, as *sikhligarh* for *saikegar*, and *sáyat*, *sáyét* for *sá'at*. It is just at this point that the man, who makes a Dictionary of the Hindí language experiences the pressure of one of his chief difficulties;—he is met at the very outset of his undertaking by a series of formidable problems. It is not enough that he has toiled hard and collected a vast store of new words,—he has to deal with the question, what it is best to do with them after all. One friend tells him that if he insert such and such words, his work will not be a Hindí Dictionary at all: another, equally zealous in the cause of this language and equally qualified to pronounce on the subject, tells him that to omit such words would be absurd. One tells him that the correct (that is, the Saṁskrit) form of every word should be inserted, and that one or (at the utmost) two only of the poetical or dialectic divergences of it might be inserted also: another tells him that if he act on this plan his work must be next to useless to the beginner. One tells him that the Hindí language is that spoken in Banáras, and that the Dictionary should embrace

only those words which are sanctioned by the usage of that highly-favoured locality: another promptly asks,—what, then, of the Hindí of Mathurá, of Bihár, of the Central Provinces, of Rájputána, and of Tírhút? One friend tells him that the Dictionary should contain all the archaic forms of even the oldest poets, and all the variations of the orthography of the language in the course of its history: another asks,—*cui bono*? Not to augment this accumulation of difficulties, we venture to express the opinion that the duty of the Dictionary-maker lies in the *via media* of all these; for, at the present stage of the culture of Hindí, what is needed, is a patient and faithful record of facts and phenomena. We believe that the Hindí language is neither the archaic nor the modern, neither the poetic nor the prose, neither the dialectic complexion of it peculiar to this district or to that, but the whole of these combined. It would surely be unwise at present to fix upon any arbitrary standard of Hindí; he should aim, rather, at embodying in his work every word and every corruption of a word which he has himself discovered in the literature and speech of the people; for, it is impossible to prove that a Hindí Dictionary compiled on any purist or eclectic principle would be such as to meet the requirements either of the student or of the philologist. When we meet with forms which differ *in toto* from their originals, and which do not appear (excepting to experienced Orientalists) to afford a single clue as to what their original forms may be, where are we to draw the line in admitting or rejecting such forms? As to the Persian and Arabic words, which occur in the Hindí literature, it seems to us that there are weighty objections to the theory that they should not be embodied in the pages of a Hindí Dictionary, and that if a student wish to know their meanings he should look them up in some Dictionary of those languages: for, (1) he may not be acquainted with the Persian or the Arabic character; and (as everyone knows who knows anything of the matter) such a person could not possibly find the word, even supposing he possessed Persian and Arabic Dictionaries; (2) it is surely too much to expect that every man who may have occasion to study the Hindí language should be under the necessity of purchasing Arabic and Persian Dictionaries: he is justified in expecting to find in a Hindí Dictionary every word he may chance to find in a book written in the Hindí language: it may suit his purpose to study Hindí; it may not suit his purpose to study two other languages besides; and, (3) more important still is the consideration that no learner can know whether the word whose meaning he is in search of, and which (we will suppose) he has found in Tulsí's *Rámáyán* or some other standard work, is Arabic, Persian, Hindí, or Sañskrit; so that if it be not

given in his Dictionary, he is left to conjecture whether the word is a Hindí one not known to the Dictionary-maker, or whether it is Shemitic or Iránian. The alert philologist will, of course, not need to be cautioned as to the importance of bearing in mind the difference between those merely slipshod corruptions in spelling which every native seems to deem himself at liberty to make, and those *bond-fide* variations which exhibit the operation of the ascertained laws of dialectic diversity, or of linguistic change or decay. It is only recently that the earliest Hindí poet (Chand) has begun to be studied: his writings have lain in manuscript for about seven hundred years, and are now being edited and printed for the first time under the auspices of the Asiatic Society of Bengal. His work contains a large number of obsolete words and archaic forms not found in the more modern poets nor in speech. The study of Chand will yield contributions rather of philological than of historical interest; it is, therefore, obviously of much importance that all his obsolete words and peculiar forms should be placed on record in any vocabularies that may yet be compiled. If the advocates of the *purist* principle above referred to are to have their way, and all words that are not obviously of Aryan origin are to be excluded, we should have to ignore some of the commonest words in the language of the people, such as *dāmād*, *bahāna*, *langar*, and a great many others: and will those who advocate such a theory tell us what would be *the use* of such a work? We are prepared to show that it would not be of use to the comprehension of any standard work in the literature that has yet appeared. We do not refer to fanciful works that have been ‘made to order’ by Europeans and others in modern times, but rather to the *bond-fide* indigenous literature which has been produced by the genius of native poets and thinkers, irrespective of Government prizes and other gross mercantile considerations. There is much the same difference between the Hindí of the masses of the present day, and of the real poets of the soil, when compared with that of the language which is known as ‘High Hindí,’ that there is between the writings of Chaucer when compared with the highly-developed English of modern times. We could not accept as our guide the curt and unseasoned *ipse-dixit* of minds imperfectly acquainted with the phenomena which occasion the difficulty, or with the endless embarrassments of the man who wades through the native literature; but if anyone can supply to the students of Hindí a rational and satisfactory solution of this perplexing question, he will do a real and most valuable service: meanwhile, it may be hoped that the method in which it is now proposed to deal with the difficulty will have, at least, the merit of practical usefulness; for, a Dictionary of the Hindí language which should exclude all

words which are not manifestly and at first sight traceable to Saṁskrit would be a chimera;—it would be as imperfect a guide to the Hindī literature as a professedly English Dictionary would be to the writings of any of our modern historians or philosophers or poets, which should, however, contain none but strictly Saxon terms. And it should not be forgotten that the responsibility for the introduction of foreign and corrupted forms into the literature lies not with the Dictionary-maker, but with the native authors themselves; the author leads, the lexicographer is obliged to follow.

From what has been said it will be readily perceived how important it is that our Dictionaries of this language be constructed on some settled and intelligent principle of treating corrupted forms. This difficulty is augmented indefinitely, for each writer seems to regard himself at liberty to spell in any way he likes. It is obviously of great importance that all corrupted and dialectic forms should be given; else, how could the beginner interpret such forms as *jaumpai*, *parduman*, *bahman*, *biphai* or *biphpai*, and many similar monstrosities? So corrupted, indeed, is even the written, as well as the spoken language that not unfrequently forms occur for which there is no alphabetical place; thus *aai* and *ēai* in the forms *aaihai* and *ēaihai*, which both = *aihai* = *āwegā*. The writer of a Dictionary of our own language would hardly feel himself at liberty to omit all notice of such forms as 'connection,' 'extasy,' 'apostacy,' 'expences,' etc., albeit they are inaccurate; much less could one with impunity omit such a form as *biphai* which, in the lips of nineteen out of twenty of those who speak Hindī, is the form which the term *vrihaspati* assumes. In Hindī, however, the original forms have been so utterly obscured by dialectic degeneracy that even the wildest or the shrewdest conjecture is defeated: and mere conjecture (excepting, perhaps, in the case of minds thoroughly habituated to the phenomena) must, of course, be fatal to intelligent progress. Even in Hindī works written by pandits we find in the same book and from the same pen the forms *bachohh*, *bachh*, and *vats*; *sach*, *sachch*, *sachchh*, *sachh*, and *satya*; *brichohh*, *brichh*, *brichch*, *vrichchh*, *vrichh*, and *vriksh*; and (not to make this list too long) the forms *nichhāwar*, *nēchhāwar*, *nēvchhāwar*, *nauchhāwar*, *nyawchhāwar*, *nyoñohhāwar*, *nyauñohhāwar*, &c., &c., (all of them Prākritized forms of the combination of the Saṁskrit elements निघन + य + वर), besides about fifty different forms of the word *āshis*! What are we to do with such forms? In the Dictionaries of this language that have hitherto been available, it has been usual to give all the meanings over and over again under every variety of the form of a word! This appears to entail a needless occupation of space, with the still more important

disadvantage of leaving the learner uninformed as to the more preferable form of a word ; and increase of bulk means increase of price, while it might not uncharitably be conceived that some measure of the responsibility for the notorious inaccuracy of the writers of Hindî is chargeable to this practice. That all the meanings and notes should be inserted over and over again under each and every divergent spelling is a theory which, it may be hoped, has in these days but few advocates ; but if we do not do so, on what rule shall we go in fixing on some one standard form of a corrupted word ? If the usage of the pandits be quoted as a criterion, we reply that their usage is as far as possible from being uniform : if, again, it be urged that not the usage of the pandits but that of the common people should be our guide, we reply, their usage differs in every zillah and in almost every village. The language is, in fact, what the people themselves (learned and illiterate) have made it.

The question of the gender of substantives in Hindî is one the importance of which it is impossible to exaggerate ; for the whole question of the grammatical structure of a sentence turns upon the accuracy of the writer's knowledge of the gender of every substantive in the language : as in other languages, however, the real difficulty lies not so much in the rules as in the exceptions. One of the most striking features of this language is seen in that important class of words which, though they have retained their Saṅskrit form, have changed their gender. This phenomenon occasions no inconsiderable difficulty ; and the more so, that it seems to have hitherto proved inexplicable. It has sometimes been contended that in the matter of gender, the Saṅskrit should be our guide,—always remembering that words which in Saṅskrit are neuter, will in Hindî be masculine (owing, of course, to the fact that the Hindî, unlike some of the other Saṅskrit-derived languages, has no neuter gender*). But, what then shall we say of such words as *gandh*, *dēh*, *pustuk*, *mīn*, *mrityu*, and quite a number of others, which, though in Saṅskrit they are always masculine, are in Hindî now almost uniformly feminine ? Some European writers of Hindî have attempted to bring back these words to the Saṅskrit rule, but without avail : like many other anomalies in language, such cases are past recovery now. The only probable theory is that such words have become feminine by the influence of other words in the language which are of this gender, and which have corresponding significations. Thus, *mīn* would get its gender from the more common *machhlī* ; and *mrityu* from the more common *maut* ; and *gandh* from the more common

* An impersonal form of the verb form : the allusion, however, in the has by some been called a neuter text is to substantives.

bū ; and *pustak* from the more common *pothī* or *kitāb*. But it must be remembered that this theory is based on conjecture merely, and that there are many cases in which it does not apply. Still more difficult is it to deal with those words of which the gender is sometimes made to be masculine and sometimes feminine ; and this, not only by different writers, but sometimes even by the same writer, and in the same book, and seemingly without any reason : while some writers, again, in spite of all usage, give a word a gender different from that given to it by all other writers and by the Dictionaries. For the present it seems to be incumbent upon us to leave such phenomena alone, allowing them to take their course, with the hope that we may yet be able to define the subtle influence that occasions them. Of course, it would be easy enough to pronounce summarily in reference to all such instances ; but we shrink from such a course as unreasonable and dangerous, and are of opinion that it is more philosophical (considering the present condition of the culture of the language by Europeans) to record the facts as we find them to exist.

The persons who study Hindī may be broadly divided into two classes,—those who study it for business purposes only, and those who push on their studies from the vernacular to the parent languages. To the former class it can be a matter of extremely small importance whether a word is derived from Saṅskrit, Persian, or any early or ‘indigenous’ language or dialect ; their purpose is answered if they acquire such a knowledge of the vernacular as enables them to carry on their profession. In reference to the other class it may be said that inasmuch as they will soon be in a position to judge for themselves as to the parentage of all Hindī words taken directly from Saṅskrit, Arabic, or Persian, it would be superfluous to occupy space in a Dictionary by giving them information on such a point. In reference, however, to about one-tenth of the words in this language a real difficulty exists. It hardly need be remarked that a large portion of the vocabulary of the Persian language is either derived from Saṅskrit or (more properly) is of common parentage with it. These words having undergone those modifications which the genius of the formation of Persian words requires, it is usual to call them Persian words. If, however, they be called Persian words, we are told that they are as much entitled to be called Saṅskrit, inasmuch as the Saṅskrit language contains their roots : if, again, we call them Saṅskrit, it is argued that they are only Saṅskrit in an accommodated sense of the term, for they have become amenable to those principles of change required by the Persian. We hold that it is sounder not to attempt to guide the student at all, then to guide him into a hopeless and ludicrous muddle. Forbes might be quoted as an example of this unsafe guidance, when he says that *jalum*, for instance,

is a Saṅskrit word : it is, in fact, no more Saṅskrit than it is English. If he means that it is derived from Saṅskrit, then thousands of words, (e. g., *jumāi*, *juwāi*, *jhatnā*) which he calls Persian or Hindū-īānī, should, instead, have been called Saṅskrit. Of some of the words in this language (the Hindi) it may be said that their origin is still a puzzle to Orientalists ; they come to us either from the tongues of tribes who immigrated into India before the Aryans, or from the tongues of aboriginal tribes now untraceable, and whose name and local habitation it has not yet been given to anyone to fix. That such words should have been briefly marked with an initial (as is done in the Dictionaries of Shakespear and Forbes) must have been felt by all real students to be most unsatisfactory. The treatment of the origin of such words can only be of value when the form is traced back step by step to its root. When, however, the student has acquired a sufficient knowledge of Saṅskrit, Persian and Arabic to enable him to use those languages for the purposes of comparison and etymology, he will be in a position both to judge for himself as to the real difficulties that embarrass the subject, and to see through the ill-concealed ignorance which would dismiss or foreclose the great problem of the origin of an obscure form by writing down a mere initial. In short, if the origin of a word present no difficulty, why occupy space by stating it ? And if there *be* a difficulty it is not removed by the dogmatic jotting down of an initial. The Hindi vocabulary swarms with philological puzzles, and presents a fine field for some impassioned lover of linguistic curiosities who happens to combine with ample leisure a trustworthy acquaintance with the history and resources of this and tributary tongues. At the present stage of the culture of Hindi a more important affair than the giving derivations is the recording facts and phenomena as gathered from the literature and from the living speech of the people. For the present, let us collect ; at some future day, when we have before us a fairer amount of information as to the elements composing the language, there will be a more adequate field for philological inquiry ; for, the fact is, we have not yet before us all the phenomena necessary to the formation of an adequate basis for such research. The judge could hardly be considered wise who should proceed to sum up and pronounce upon a case at the very time when evidence pours in from all quarters. The spirit of enterprize in European students as to the importance of this language in the sphere of Comparative Philology is only now awaking. It needs but little experience to convince one of the fact that there still float about in the colloquial speech of the people large numbers of valuable words which have never yet been printed, and which are of great interest.

There are one or two rather interesting classes of words in this

language with which our present limits do not permit us to deal in detail ; we hope, however, at some future time to classify these words and to subject them to careful investigation ; for, though the present impression concerning them is that they are mere accidents, we venture to believe that there is some rational principle which operates in the formation of them. We refer to those jingling reduplicative forms with which, as everyone knows, the Hindî (more, perhaps, than Bangālî even) abounds. Everyone must have observed that we have in the English language a large number of instances in which a word has several meanings which have no sort of relation to each other : as examples, we might quote the English words 'saw,' 'ear,' 'see,' 'mine,' 'temple,' and some hundreds of others : the meanings show that there are words that are spelt in exactly the same way and have exactly the same pronunciation, and yet have different derivations and different meanings. Now, the Hindî language abounds in words of this description. As an instance, we might quote the word *sāl* ; its meanings and derivations show that there are, in fact, several different words spelt with the same letters and pronounced in the same way : thus *sāl* : (1) *m.* this is the popular or Hindî form of the Saṅskrit word *śāl*, the name of the fish *Ophiocephalus wrahl* ; (2) *m.* this is a frequent form of the Saṅskrit word *śrīgāl*, a jackal ; (3) *f.* this is a plebeian contraction of the Saṅskrit word *śālā*, a hall, house, school ; (4) *m.* this a Prākritized form of the Saṅskrit word *śalyu* a thorn (and many other cognate meanings) ; (5) *m.* the common timber-tree *Shorea robusta* ; (6) *m.* this is also the Persian word *sāl*, a year (as commonly used in Hindî as the corrupted form of *baras* [Saṅskrit, *varsh*]). There is an additional point of interest about such words, as compared with the same phenomena in our own language, that they usually retain in Hindî the gender of their Saṅskrit originals ; and this, even in instances in which the process of mutilation has gone to the extent of rejecting the characteristic mark of gender ; thus the latter *ā* (*śālā*) is the sign that the word is feminine. Nothing would be gained by multiplying examples ; enough has been said to call attention to the existence of a kind of phenomena in which this language abounds.

Adjectives are in Hindî (as in English, French, Italian, etc.,) constantly used substantively ; thus, the word *anjānā* has primarily two meanings : (1) unknowing, ignorant ; (2) unknown, strange ; hence, it signifies, also : (1) an unknowing or unsophisticated one, that is, a simpleton, an iguoramus ; and, (2) an unknown one, that is, a stranger. If the person referred to be a female, the feminine form *anjānī* must be used. In this respect, however, Hindî has this peculiarity that, excepting in the single instance of those adjectives whose masculine form ends in long *a*, the feminine form is not used (as in Saṅskrit) in agreement with feminine substantives.

Thus, no careful writer of Hindi would use the form *adhikārī* if he wished to express the idea of 'heiress,' nor *sundarwān* if he were designating 'a beautiful female.' If, indeed, he use a substantive with either of these adjectives, he must use the masculine form, even though the substantive be feminine; thus, we could not say, in speaking Hindi, *sundarvatī larkī*; we must say *sundarwān larkī*, as well as *sundarwān larkā*. If, on the other hand, one wish to refer to 'a beautiful female' without using a substantive, he must (if he wish to be accurate) say simply *sundarvatī*. Thus we see that, with the exception of the class of adjectives already mentioned, the distinctively feminine forms of adjectives are, strictly speaking, adopted when the adjective is used substantively, and then only: even in this latter case, however, it is not at all unusual to make the masculine form do service for the feminine; just as in English the terms 'author,' 'proprietor,' etc., are sometimes used where 'authoress' and 'proprietress' would be the more appropriate terms. Of all this, one example may suffice:—*pāpī* means 'sinful,' and qualifies *purush* in the phrase *pāpī purush*, a sinful man; but it also qualifies *strī* in the expression *pāpī strī*, a sinful woman. *Pāpini strī* though good Saṅskrit, is not good Hindi; but *pāpini* alone means 'a female sinner,' and *pāpī*, of course, 'a male sinner'; and it may even be used to designate 'a female sinner' too.* From what we have said it will be readily perceived how important it is that our Hindi Dictionaries should give the feminine form of each adjective (as well as of each substantive, when the substantive has also a feminine form). If, indeed, the student of Hindi have a fair knowledge of Saṅskrit to begin with (which is extremely seldom the case) he can in most instances form the feminines for himself when he happens to need them: still, the subject is not by any means so easy as might be supposed; for, though in by far the majority of instances the feminine form in the Hindi is identical with that of the Saṅskrit, there still remain a very large number of instances in which no amount of knowledge of Saṅskrit will put the student in a position to conjecture with any degree of comfortable certainty what is the feminine form of a word as distinguished from the masculine form of it. We may instance one word, *dulhā* (a bridegroom), which has an option of no less than eight forms of the feminine (bride), viz., *dulahan*, *dulahin*, *dulahini*, with their corresponding forms *dulhan*, *dulhin*, *dulhini*; and lastly, *dulayin*, *dulhaiyā*. If a word describe a tradesman or a casteman, the feminine form is susceptible of two or more

* Exceptions to this important rule are met with here and there in Hindi works composed by native pandits, who in the luxuriance of their learn-

ing are wont to honour the Hindi language with many an idiom whose home is in the Saṅskrit.

meanings; thus, *sunārīn* may mean either: (1) a goldsmith's wife; or (2) a female who carries on the goldsmithing business; or (3) a goldsmith's daughter; or (4) any female of the goldsmith caste.—Lastly, it ought to be observed, that in the case of those words whose feminine is formed by the addition of the termination *inī*, it is exceedingly common in Hindi to drop either the first or the last vowel of this termination (thus leaving in the one instance *nī*, and in the other instance *in*), and even in some instances to drop them both, leaving *n* only, as the distinguishing mark between the masculine gender and the feminine.

It may not be out of place here to make allusion to a subject which has of late years occupied much public attention in this land, and more particularly in reference to our Indian topography;—we refer to the subject of transliterating, (or Romanizing, as it also sometimes called,) being an attempt to represent in English letters the words and names of Indian languages. Most of the Grammars and Dictionaries of these Indian languages owe much of their size and consequently (it may be presumed) of their expensiveness too, to the introduction into them of this system of transliterating. Our impression is that the space so occupied is misapplied. It will be frankly admitted by all that it is only at the very earliest stage of his studies, if ever, that the learner would be likely to feel in any measure whatever the need for transliteration. If he has really mastered the first step in the language—the alphabet, transliteration becomes superfluous. The very fact of his using a Dictionary implies that he knows the alphabet, and is sufficiently advanced to be able to read the language. Not merely, however, on the ground of its non-necessity do we oppose the system, but mainly because, we believe, that successful transliteration of Indian words into English letters is *impossible*. The object of transliterating is to assist the learner to pronounce correctly; the actual effect, however, is to misguide him in all those respects in which he is in real need of assistance. The methods of Romanizing usually followed have proceeded on the principle that the Devanāgarī letters are representable by certain Roman equivalents. It happens, however, that this is not true of by far the majority of the consonants, and also of most of the vowels. The palatals *ch*, *chh*, *jh*, *jna*, and perhaps *j*; the cerebral *t*, *th*, *d*, *dh*, *n*, *r*, *sh*, and the dental *t*, *th*, *d*, *dh*, *n*, *l*, must all be dismissed at once as unrepresentable to the English ear except by the living voice: so, also, must the gutturals *kh* and *gh*, and the labials *ph* and *bh*; while to the English reader of the most ordinary intelligence not one word need be said as to the hopelessness of conveying by the medium of Roman letters an exact representation of the sounds of the Devanāgarī vowels. Hence, of the forty-seven letters of which the Devanāgarī alphabet is composed

there remain only *ten*, at the very utmost, of which there is any substantial hope that they may be safely represented by the letters of our poor English alphabet. Recourse has often been had to diacritical points; but these, even with the aid of an explanatory table, have only resulted in bewildering and misleading the learner. How, indeed, could it have been otherwise? For, if the sounds intended to be indicated by such points do not exist in any language with which the learner is already familiar, it stands to reason that the dots must fail of their purpose. Even after the most careful description of the sounds of the Devanágari letters, it may be doubted whether even an intelligent student would gather any other impression than this, that without *vivá-voce* instruction from the lips of a person who has a keen sense of the first shades of sound, and who has himself resided in India, an exact pronunciation of the letters must be impossible. Let anyone, who has not already learnt to pronounce Devanágari, try to pronounce the very common words, *seth, thag, bāt, manī, duhh, grahya, log, ham, tum, we, thenṭh, prāy, sund*; and if he be left alone, with only such light as Romanizing has yet been shown to be capable of yielding, he cannot fail to mispronounce them. The point might easily be tested by turning up these words in any Dictionary in the Persian or Devanágari character in which transliteration into Roman letters is attempted. Nor are these words to be regarded as selected on account of their peculiar difficulty; any word in the language that might happen to contain a palatal, a cerebral, or a dental, would serve as an example of the same point: and inasmuch as the exact sound of neither of the vowels can be apprehended, excepting in some cases by circumlocutory explanation and in most cases by the teaching of the living voice alone, it follows that all attempts that may have hitherto been made to render assistance to the learner in this matter have (in those almost countless instances in which he has stood in need of safe and trustworthy guidance) been worse than useless,—they have been misleading. Hence it is that to the natives of India who entertain a keen sense of the beauty and delicacy of the sounds of their vernaculars, and who are fully aware of the extreme difficulty of those sounds being produced with perfect ease and accuracy by Europeans, the pronunciation of the vernaculars by Europeans is continually suggestive of the most ludicrous associations and incongruities. And it should be observed that all that we have said in reference to the Devanágari character applies equally to all those characters which are derived from it, such as the Bangálí, the Maháráshtri, the Panjábí, etc., and that it applies *with augmented force* to the question of transliterating the Arabic and the Persian character; for, all the *additional* letters and sounds which these two languages contain are such as only Scotchmen

and students of German can have any inkling of; while even to them transliteration into English letters must be in the cases referred to ambiguous at the best. The letters ژ, ذ, د, ح, ث, ق, غ, ع, ط, ص, may serve as examples of what we mean.

Upon the whole, then, it seems to us that it is sounder policy in a teacher not to attempt to guide at all, than to guide when the nature of the case involves the absolute certainty of the learner being guided into error. Much of the notorious mispronunciation of Indian languages by Europeans is attributable to the idea of the advocates of transliteration, that every oriental sound *can* be represented by some one with which English people are familiar, or has a corresponding letter in the Roman alphabet. The conclusion of all this might be stated thus, that those who advocate the creation of vernacular literature written in the Roman character, as also those who advocate the introduction of this character into our legal documents, are promoting a vitiated pronunciation which will make even the gravest of us a laughingstock and a byword to the people about us, and which will render our meaning continually exposed to misconstructions, in most instances irresistibly ludicrous and in many cases perverted and damaging. Of course, it is readily admitted that in the case of the Urdú language transliteration becomes a necessity to beginners, and that in the case of all Dictionaries of that language (as also of Arabic and Persian Dictionaries) which may be designed for European students, some system of transliterating must be adopted, unless the words be written with the vowel-points (which is not usually done, inasmuch as the uniform insertion of these points would vastly augment the ultimate bulk of any work). This leads us to another question which has, in recent years, been rather warmly debated in connexion with the subject of the language of our law-courts. We fear that the advocates of the Persian character as compared with the Devanágari have in truth but little to hope for, as long as they argue on the comparative efficiency of the two characters. If they keep to the question of the comparative easy flow of the Persian writing, they have their case at its strongest point; but if they urge that the Persian character is an infallible medium for the representation of letters of other alphabets, and that the writing is on the whole more easily legible, we fear that they are destined to fail as to making out a good case. We would ask the advocates of this view how they would express in the Persian character the distinction between the vowels short *a*, short *i*, and short *u*? If it be replied, 'By the adoption of the diacritic points,' we would mention that the fact of the exceeding infrequency of the use of these points, especially in fast writing, might be used as an argument to show that (although not the

Muhammadans, yet) Europeans and Hindús have but seldom a practical acquaintance with them; and their use, both in correspondence and in printing, is felt to be both inconvenient and (as intimated above) vastly uneconomic as regards space. We would also ask how to distinguish between long *i*, *y*, *e*, and *ai*: also, the distinction between the signs for the vowels *au*, long *o*, and long *u*, as distinguished from the semi-vowels *v* and *w*? We would also ask for information as to how the distinction should be expressed between the dental *n*, the cerebral *ṇ*, and *anuswár*? We are aware that this last-mentioned sign (*anuswár*) is expressed by the same sign as the *n*-sound; but, then, this is only when it occurs in certain situations, *viz.*, at the end of a word, or at the end of an inflectional termination. We would also ask how (excepting by the inconvenient expedient of a diacritic point) they would indicate a doubled or repeated letter? And lastly, how would they express the difference between the oft-recurring sounds of *chch*, *chh*, *chchh*, and between the very frequent sounds of *kiṛ* and *kṛ*, *tiṛ* and *tṛ*, *diṛ* and *dṛ*, etc., etc. We will give no more examples; but we say simply that we should receive with docility and gratitude any information that would really throw light upon the *bonâ-fide* solution of these points. The examples are not far-fetched nor rare; they might be found on any page of any work in the Urdú language; and though our own attempts at solving them have hitherto been unavailing, it is but just to remark that every one of these difficulties vanishes the instant we write the forms in the Devanâgarî character! The only *intrinsic* objection we see to the adoption of the Devanâgarî character for the purpose now referred to is, that it lacks the *easy flow* of the Persian; but, this aside, it possesses every recommendation over the Persian. It ought to be added that in every instance in which the Muhammadan alphabet exceeds the Devanâgarî, the difficulty is readily and efficiently met by a simple dot being placed under the letter, the significance of which is at once grasped by every native who has any claim to a moderate education. There is one objection to the introduction of the Devanâgarî character into our law-courts which has great weight with some: they argue that in adopting the Devanâgarî character we should offend the Muhammadans. But the fact is that the whole arrangement as it at present exists, owes its origin and its continuance to accident merely. The Persian language was formerly used in our courts, and was at length found to be inconvenient: then, as an easy compromise, the Urdú was adopted. Now, the Muhammadans have already had a pretty long turn; why should not the Hindús have theirs? Will anyone argue that Muhammadans are either more loyal to Government, more exemplary in their acknowledgment of the paramount power, or

more reliable as *employés* than Hindús? Or can anyone be found who can show that they are more eager to avail themselves of the opportunities we hold out to them to have their children (male and female) educated? Or can anyone be found who will advocate the principle that the Muhammadans, who are but as one to ten of the Hindús, and are to them an alien and supernumerary race, have any claim whatever to hustle them out of every advantage? If it be urged that the Muhammadans despise the Devanágari character (which is true), we reply that the Hindús hate and despise tenfold the character of those who conquered them only to oppress and ravage them. The introduction of the Devanágari character into our legal documents means simply, that the Muhammadans will be asked to do what Hindús have all along been *compelled* to do—namely, to learn an alien alphabet. And it should be borne in mind that the disadvantage which may, for a time, at least, accrue to the change now contemplated will not be borne wholly by Muhammadans; it will be equally shared by those Europeans and Eurasians who have to transact legal business.

In the Hindi (that is, the Devanágari) alphabet we have three sibilants, the dental sibilant, स (called, in the grammar, *dantya*), the palatal (*tálavya*) श, and the cerebral (*murdhanya*) ष. A question arises as to the best way of representing these letters in the English character when we write on Indian subjects, and especially when we write in reference to the Sañskrit-derived languages. Inasmuch as the practice of Oriental scholars in this matter is not even yet uniform, we will venture to offer a remark or two on the subject in bringing this lengthy paper to a close. It has been usual to represent these letters thus ; स=*s*, श=*s'* and ष=*sh*. But, excepting to the initiated, such a form as *s'* says, of itself, nothing as to the pronunciation ; and is, therefore, embarrassing, if not also misleading. It seems to us that the letters *sh* represent more accurately both the nature and the pronunciation of the *tálavya*-sibilant than the form *s'* does. We presume that the principle on which such a form as *s'* would be defended is, that the form *sh* had better be reserved for the *murdhanya*-sibilant (ष) : as a matter of fact, however, the form *sh* represents to the uninitiated ear the sound of श more accurately and efficiently than it does the sound of ष ; as may be inferred, in part, from the fact that among large classes of Hindús in Northern India) the majority of them, we believe, including most of the pandits,) this letter is pronounced exactly like श, and is, moreover, very commonly interchanged with it in spelling (thus, पूरुष=पूरुश=*purush*) ;—a couple of facts neither of which

(excepting in only two or three extremely exceptional instances, in which it seems probable that other laws have had an influence) could be predicated of श्र. If, then, it be necessary to have recourse to any artificial pointing at all in transliterating these letters into Roman, they should (it seems to us) be rather used in transliterating that one of these two letters whose exact sound it is least likely that the uninitiated will produce. We would, accordingly, render the letters thus; श्र=sh, ष=sh, स=s : e.g., सार=sár, शाळा=shālā, कृष्णा=Krishna (or, in Híndí, Krishn). This is, however, a point the importance of which it is easy to exaggerate : it is, moreover, one that will remedy *itself* in the mind of any student whose knowledge of Devanāgarī is not either loose, or absolutely elementary and defective.

There are many other features of this most valuable language which we are compelled, for want of space, to pass over at present : our notes have already gone beyond all reasonable limits. On some future occasion we may possibly revert to the subject.

J. D. BATE.

NOTE :—As it is not usual to print in the Devanāgarī character (the character of the Híndí language) in this *Review*, the point of some of the remarks made above will not be readily appreciated by every reader ; those, however, who are familiar with that character will at once feel the force of the examples which are, in the present instance, transliterated into the Roman character.



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No man who hath tasted learning but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set forth new positions to the world: and, were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.

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Mulk Bhúr and Mulk Katehr is arbitrary, that is, it does not follow any river or other geographical feature of the country, but it is none the less clearly marked. The soil of Mulk Katehr, though far more productive, is harder and more difficult to work than that of Mulk Bhúr, and it therefore seems exceedingly probable that the word Katehr is a corruption of the Hindí word *kathor* or hard. Into this Mulk Katehr (of which the capital was Lakh-nor now Sháhábád) the Mahomedans never penetrated till the reign of Sháhjáhán, though they early acquired the Mulk Khádir and Bhúr. During the reign of Sher Sháh and his successors, themselves Afghans, numerous adventurers of that nation flocked to India and settled in various parts of the country, and when Humáyun again regained the throne, he found these men too firmly established to be driven out. The wars of Akbar and his successors gave ample employment to these lardy soldiers of the north, and especially as having no local ties they could be freely employed in posts of trust and responsibility. The decay of the monarchy was their opportunity, and by about the beginning of the eighteenth century a large body of them had established themselves in the country now known as Ruhelkhand.

Shaikh Shahábu-d-din Badalzái, surnamed for his sanctity Shaikh Kotí Báábá, was a native of the village Pushím Shuráwak in the province of Kandahár. He left three sons, of whom one Mahmúd Khán was, like his father, a man of great reputed sanctity and was surnamed Shaikh Motí. Shaikh Motí had five sons, Azam Khán, Shahdád Khán, Hakím Khán, Hasn Khán, and Sháh Alam Khán. Hasn Khán had three sons, Dúndí Khán, Níámat Khán, and Silábat Khán; and Sháh Alam Khán one son, Rahmat Khán, afterwards surnamed Háfiz or the guardian. On the division of property consequent on Shaikh Motí's death, a slave named Dáúd fell to the share of Sháh Alam Khán. Dáúd, being of an adventurous turn, wandered off about 1707 of our era, and entered the service of a small zamíndár, Madár Sháh, of the village of Madka in the then pargana of Barsír of Budáon. (This village is in the present pargana Siraulí of Budáon and is on the borders of the territory of the Nawáb of Rámpúr.) At the head of about 200 men, adventurers like himself, he assisted his master against the neighbouring landholders, and in one of his expeditions against the village of Bankaulí of pargana Chaumahla obtained among other prisoners a young boy of the Ját caste. To this boy he took a fancy, and having him circumcised adopted him and called him Alí Muhamad Khán. It was this boy who afterwards became so well-known as Alí Muhamad the Ruhela, and from whom has sprung the present line of Nawábs of Rámpúr.

The news of Dáúd's enterprising spirit reached the vizír, and he was by him employed against the Mahrattas on the banks of the

Jamna. For his services there he was granted a few villages known as Nibía Báwalí in the province of Budáon. It was after this that Sháh Alam Khán his master came from his home to visit him, but being too importunate for Dáúd's return, he was murdered by night while sleeping in his tent. About a year after this Dáúd entered the service of Debí Chand, Rája of Kumaon, who employed him in the parganas at the foot of the hills. When Azmat Ulla, the faujdár of Muradabad, was sent by the emperor to conquer the parganas of Káshípúr and Rudrpúr he was met by Debí Chand at the head of his army. But Dáúd, who had some dispute with his master about the pay of his troops, remained inactive, and Debí Chand was defeated. In revenge Debí Chand invited Dáúd with every appearance of friendship to his tent at Kakardara and there murdered him. It is said that his feet were cut off and the sinews pulled out, so that his legs mortified and he died. Dáúd left one son, Muhamad, but of him nothing more is known.

During his lifetime Dáúd had educated Alí Muhamad with the greatest care, and intending to nominate him his successor, had made him a proficient in every exercise necessary for an Afghán gentleman. Before entering the service of Debí Chand, Dáúd had been careful to leave all his treasure at his home in Budáon, and of this Alí Muhamad obtained possession without difficulty. With his troops he joined Azmat Ulla Khán, faujdár of Muradabad, and with him strictly allied himself. The countenance of the chief officer of the district and the fast weakening power of the Dehlí Emperors gave Alí Muhamad an opportunity that he was too capable to let slip by. His first expedition was against a rival of his, one Muhamad Sale, a eunuch who had obtained a farm of Manona. Him Alí Muhamad slew, appropriating his farm. Desiring to possess himself of Aunla but fearing openly to attack Dúja the zamíndár, he had him privately murdered and then took the town. Muhamad Sale and Dúja paid tribute to and were supported at court by Umdatul-Mulk, the paymaster of the army. Incensed at the loss of his tribute, this man made loud complaints of the violence that had been done to his friends. But Alí Muhamad had paid assiduous court to Kamru-d-din the vizír, for, though bearing the reputation of an honest man, Kamru-d-dín was not altogether proof against the seductions of a bribe. Through his intrigues Alí Muhamad's vakils were received at Dehlí, and he was confirmed in the lands he had possessed himself of. This success attracted numbers of his countrymen to his standard, and these men on account of the boldness of his enterprises and the munificence of his disposition rapidly became attached to him. After this Alí Muhamad followed the usual course of successful rebels in the East. Remit-

tances were withheld and spent on strengthening his own power or on bribing those in authority, while the orders of his superiors were only obeyed in so far as they chimed in with his plans. Alí Muhamad was, however, fortunate in his next enterprise. Saifu-d-dín Muhamad Khán, one of the Syads of Bárah, had rebelled, slaying or expelling the imperial officers. Alí Muhamad joined the imperial forces against him, and so distinguished himself in the battle of Jánset that followed, that the title of Nawáb was conferred on him by the Emperor.

Now for the first time begins to appear in history the name of Rahmat Khán, the son of that Sháh Alam who was murdered by Dáúd. He was born about the year 1708 A.D., and was four years old at the date of his father's death. Being of a cautious and somewhat avaricious turn, he began life as an obscure trader between Lahore and Dehli. After the battle of Jánset the increasing power and fame of Alí Muhamad induced Rahmat Khán who had come as far as Delhí on one of his trading expeditions, to visit him and enter his service.

But now, while Alí Muhamad seemed on the fair road to independence, his success was endangered by a perilous encounter. The severities of Nádir Sháh and the disorders which followed on his plunder of Delhí in 1739 had driven many Afgháns to take service with Alí Muhamad. He had taken advantage of this and of the absence of all authority in those times to increase his power by the acquisition of Ríchha and some neighbouring parganas. Complaints of these usurpations were made to the vizír by the jágírdárs, and a Hindu of some eminence, Rája Harnand by name, was appointed faujdar of Muradabad with orders to expel the Afgháns from that country. Rája Harnand came to Muradabad and was there joined by Abdu-l-Nabí Hákim of Bareilly. Alí Muhamad evaded without refusing to comply with the faujdár's demands for homage and tribute, and in the meantime collecting his troops prepared for war. Abdu-l-Nabí counselled prudence, but Harnand, who was a violent and precipitate man, rejected his advice and marching from Muradabad at the head of 50,000 men, encamped at Asálatpúr Járáí, a village on the banks of the Aril Nadí in the present pargana of Bilárf. There Harnand, who was a blind believer in astrology and who had been told by his soothsayers that the day of the battle had not yet arrived, amused himself in drunkenness and debauchery. Meanwhile Alí Muhamad, at the head of only 12,000 men, advanced swiftly from Aunla and encamped at the village of Fathpúr Dál, which lies also on the banks of the Aril and about two miles south-east of Asálatpúr Járáí. His dispositions were carefully made. Rahmat Khán commanded the advanced force of 4,000 men; Alí Muhamad himself the main body; Dúndí Khán (the first cousin

of Rahmat Khán) the right wing, and Páinda Khán the left. Then, taking advantage of the sloth of his opponent, he fell on him at night-time. Rahmat Khán and his troops penetrated to Harnand's tent before they were discovered. Harnand and his son, Motí Lál, were slain and their troops dispersed. Abdu-l-Nabí and his brother, bravely trying to retrieve the honour of the day, fell fighting and the rout was complete. After the victory Alí Muhamad possessed himself of Sambhal Amroha, Muradabad and Bareilly. He tried to soften his conduct to the vizír, but the rebellion was too flagrant to pass unnoticed, and Mír Manú, the son of Kamru-d-dín, was sent with a considerable army to chastize him. Mír Manú encamped on the banks of the Ganges at Dáranagar where there was a tortuous and difficult ford. Alí Muhamad with a superior force watched him from the opposite bank, but neither dared in the face of the other to cross the river. Alí Muhamad took advantage of the delay so to work on the mind of Mír Manú that an understanding very favourable to Alí Muhamad was come to. Alí Muhamad's daughter was given with a considerable dowry to the vizír's son, and Alí Muhamad himself was, on condition of paying a certain tribute, confirmed in the territory he had acquired by the defeat of Harnand.

It was about this time that the countries occupied by the Afgháns began to be known as Ruhelkhand from the name Ruhela, applied to an Afghán inasmuch as he came from a mountainous country and in the Persian Rúh signifies a mountain. Shortly after this Alí Muhamad acquired Pílbhít from the banjáras.

In 1743 A.D. Dáli Chand, Mír Múnshí of Kalián Chand, Rája of Kumáon (a son of that Debí Chand, Rája of Kumáon who had murdered Dáúd) complained to Alí Muhamad of the tyranny of his master. Alí Muhamad, being by this time secure in his government of Ruhelkhand, gladly seized this opportunity of revenging his patron Dáúd. The hill country of Kumáon had never been conquered by the Mahomedans, though the Rájás used to pay a nominal tribute to the Emperors at Delhi. The physical obstacles to a successful invasion were very great. A thick belt of malarious swamps and forests divides the hills from the plains. The lower ranges of the hills are clothed with a dense and almost impassable vegetation, their sides are precipitous and an advance can only be made by a few well-known passes. The inhabited places were few and separated by vast tracts of jungle. No friends would be found in the country for the population was entirely Hindú. Alí Muhamad therefore proceeded with caution. He first put his new acquisitions in order and regulated the finances. Then, advancing at the head of his army, he by two victories at Rudarpúr and Barokhera drove the Rája back to his hills.

During the next two months he halted at Káshípúr, arranging his commissariat. The numerous marauders and camp-followers that hung on the rear of his, as of every Indian army were on pain of death ordered away. Scouts were sent to explore the neighbouring hills. The Rájá of Kumáon had spent his time in fortifying all the well-known passes, but Alí Muhamad's scouts having discovered one which he had overlooked but which they declared passable, the army was advanced. For eighteen days they marched through an uninhabited wilderness, but at length succeeded with the loss of all their guns in making good their footing in Kumáon. Kalfán Chand, thoroughly terrified, abandoned Almora without a struggle and fled to Srínagar of Garhwál. Alí Muhamad's victory was accompanied with the usual wanton barbarities of Eastern warfare, and the Mahomedan historian relates with glee that the images of the infidels were broken in pieces and cows slaughtered in the streets of Almora. Aided by the Rájá of Garhwál, Kalfán Chand again advanced, but his army was dispersed and his camp plundered. Alí Muhamad deemed the reduction of Garhwál too difficult an undertaking, and after renting Kumáon to the Raja of Garhwál he returned to Aunla.

But his continued success had raised up enemies against him. Safdar Jang, Subahdár of Oudh, coveted the rich country of Ruhelkhand which would have given him a strong frontier on the Ganges, but which in the hands of an enterprising and capable man was to him a standing menace. An opportunity was soon made. Some of Safdar Jang's men were sent, apparently with the view of stirring up strife, to cut sál timber in the Ruhelkhand forests. Between them and the servants of Alí Muhamad an affray took place, in which several of the Subahdár's men were killed and the remainder put to flight and their property plundered. On this Safdar Jang went to Dehlí and laid his complaint before the Emperor Muhamad Sháh. The Emperor ordered the plundered property and the rioters to be given up, but Alí Muhamad rash through prosperity insolently refused. Safdar Jang seized the opportunity and drawing a highly-coloured picture of the Afghán's encroachment and rebellious conduct, induced the Emperor to set out in person for Ruhelkhand. The vizír Kamru-d-dín could not openly oppose a course that was favoured by so many obvious arguments, but both from jealousy of the growing power of Safdar Jang and from the tie of relationship that bound him to Alí Muhamad he worked in secret to thwart the Subahdár. Alí Muhamad did not on this occasion act with his usual vigour or decision. He either shrank from openly opposing his master or feared that his followers would not follow him into rebellion, or else he relied too much

on the influence of Kamru-d-din. He allowed the Emperor to cross the Ganges at Ramghat and advance to Sambhal without opposition, and himself retreated to the fort of Bangarh seven miles south of Aunla. He wrote to the Vizir begging for terms, but Safdar Jang's influence was still in the ascendant and the place was closely invested. The near approach of the enemy and the intrigues of his opponents rapidly thinned Ali Muhamad's army, and he was soon compelled to throw himself unconditionally on the Emperor's mercy. The influence of the vizir was strong enough to save his life and he was sent a prisoner to Dehli, while much to Safdar Jang's chagrin, the faujdari of Muradabad was given to Faridu-d-din, son of that Azmat Ulla who had been one of Ali Muhamad's earliest friends. In Dehli Ali Muhamad was kept a strict prisoner, while by proclamation the Ruhelas were forbidden to cross the Ganges or approach Dehli. However, after about six months, Rahmat Khan and others of Ali Muhamad's friends, seizing an opportunity when Dehli was nearly denuded of troops, met at Sambhal and crossing the Ganges in small bodies to avoid the guards placed there, assembled to the number of about 6,000 in the outskirts of Dehli, whence with great clamour they went to the royal palace. Bewildered by the tumult, the Emperor agreed to release Ali Muhamad and bestow on him the faujdari of Sirhind, his sons, Faiz Ulla Khan and Abdulla Khan, being left as hostages for their father's good behaviour. Ali Muhamad remained about a year in Sirhind, leading his old half-robber life.

In 1747 India was invaded by Ahmad Shah Abdali; the invasion was repulsed, but the sons of Ali Muhamad, who had been retained as hostages, fell into the Abdali's hands and were carried off to Kandahar. Ali Muhamad took advantage of the opportunity to cross the Ganges at Baisghat and march into the heart of Ruhelkhand, where he was joined by most of his old retainers and soon regained his former possessions. In the then distracted state of the empire no troops could be spared to oppose Ali Muhamad, and when the Emperor Muhammad Shah died soon afterwards Ali Muhamad joined so heartily in the intrigue which gave his old enemy, Safdar Jang, the vizarat, that he received a grant of all his acquisitions, including Kamru-d-din's jagir of Muradabad, Safdar Jang's own jagir of Dhampur and Sherkot, and almost the whole country now known as Ruhelkhand. He had obtained the most complete authority, and the whole revenues of the country were spent in strengthening his position. He rooted out all the other officials and zamindars, supplanting them by creatures of his own. The forest country at the foot of the hills was a nest of robbers, and he spent considerable trouble in destroying their fastnesses.

Among those who were thus extirpated was Thakur Muhendar Sinh of Thakurdwára, from whom that pargana was named.

But the end of Alí Muhamad was rapidly approaching. He was suffering from a complication of disorders, dropsy and cancer
1750 in the back. His two eldest sons, Abdulla Khán and Faiz Ulla Khán, were prisoners in Kábul, and the others were as yet too young to take any part in the administration. Alí Muhamad therefore collected his chiefs, and before them executed a will by which he divided his property equally among his six sons, made Sayad Ulla, his son, his successor until the return of his eldest sons, appointed Rahmat Khán Háfiz or guardian of the territory, and Dúndí Khán commander of the troops, associating with them in the general administration the brothers of the latter, Niámat Khán and Silábat Khán. Of his most faithful followers, he made Fath Khán khansáma or steward and gave him charge of his three infant sons, and Sirdár Khán bakhshí or paymaster of the troops. These chiefs were to consult together when any common danger required their concerted action. Each was to bring his quota of troops to meet the common enemy, and to pay his allotted share of the common expenses, and all were sworn on the Kurán to be faithful to the interests of their master's children. These arrangements were perhaps the best that could have been made under the circumstances, but they contained within them the inevitable seeds of decay. That they did not at once break down on Alí Muhamad's death, was due partly to the wise policy of that chief in guarding against all chance of internal commotion, partly to the position of the Ruhelas as strangers in a strange land, and partly to the superior abilities of the chiefs themselves. They form in Indian history the sole instance of any combination acting in concert for any length of time, for in India that species of virtue is unknown which lies in sacrificing one's own interest to the good of the State, and the common selfishness and the low range of morality beget a mistrust that renders any common action impossible. But in the end the Ruhela confederacy was no exception to the general rule, for after a time dissension spread. One chief after another shirked his share of the common burdens, and at length the State fell rather from its internal disorders than from the action of outsiders.

Alí Muhamad's next step was to pay off the arrears due to his troops and advance them 25 lakhs of rupees. After having thus provided for the safety of his dominions, he had himself carried into the assembly of his chiefs. He explained to them the arrangements he had made, and entreated them to be faithful to his children, and soon after expired. Thus died, at the early age of 50, a man whom it would be absurd to call great, but who in the general

depression of morality of his time and country, and in the universal dislocation of all authority and all ties, deserved and commanded success. Measured by a European standard, he was a rebel who attacked his neighbours without scruple and attained his ends without remorse. But that he was a daring and enterprising soldier, his defeat of Rája Harnand shows; that he was a cautious and skilful one, we can see from his campaign against the Rája of Kumáon. His rash defiance of the Delhi Emperor was a great blunder, and he did little to redeem it in the war that followed. But still the prudent and wise measures that he introduced for the regulation of Ruhelkhand after his return from Sirhind, prove that he was a statesman as well as a soldier. He was buried at Aunla, the seat of his government.

After the death of Alí Muhamad, Safdar Jang recommenced his intrigues against Ruhelkhand. As a cat's paw he used Kutbu-d-dín, a son of that Fakhru-d-dín who was appointed faujdár of Muradabad after the capture of Alí Muhamad by Muhamad Sháh. Kutbu-d-dín advanced with a large force, but he was met near Dhámpúr by Dúndí Khán, defeated and slain. As his successor, Safdar Jang appointed Káim Jang of the Bangish tribe of Afgháns, who had risen much in the same way as Alí Muhamad and who had acquired the title of Náwáb of Farakhábad. Káim Jang dispatched an envoy to Aunla to notify his appointment and to call on the chiefs to submit. The Ruhelas were filled with dismay, for the death of Alí Muhamad was too recent to allow their power to have become fully consolidated, and Káim Jang was a far different opponent to Kutbu-d-dín. They endeavoured to come to a compromise by giving up part of their possessions; but seeing that Káim Jang was bent on nothing less than the entire government of the country, they dismissed the envoy and prepared for war. Káim Jang, at the head of a large force and a formidable train of artillery, crossed the Ganges at Fathgarh, and Háfiz Rahmat marched to meet him with a far inferior force. Frightened at the near approach of so large an army, Háfiz Rahmat tried the effect of another embassy, but this also proved unsuccessful. At length the armies met at the village of Daurí Rasúlpúr, three miles south of Budáon in pargana Ujhání. Káim Jang's artillery wrought fearful havoc in the Ruhela ranks, until Hafiz Rahmat and Dúndí Khán headed their troops to the charge. Káim Jang was killed in the mêlée, and after his death his troops scattered and the flight soon became a rout. The villagers still point out the battle-field, and tell how phantom armies fight by night in the skies. By this victory the Ruhelas acquired the parganas of Budáon, Míhrabad, Usaith and Paramnagar. Háfiz Rahmat's next exploit was the reduction of the Taráí country east of

Pilibhit. In about four months his forces under Shaikh Kabír, after encountering great obstacles from the malariousness of the climate and the resistance of the Hindús, succeeded in overrunning the country to some distance east of Khairagarh. On his return to Aunla, Háfiz Rahmat found that new complications had arisen.

Safdar Jang received the news of the death of his tool Káim Jang with nearly as much pleasure as he would have heard of his victory, and proceeding at once to Farakhábad seized his territory, and confining his mother and family sent them to Allahabad. One son of Káim Jang, Ahmad Khán, escaped, and flying to Mau collected there his father's adherents. On the return of Safdar Jang to Delhi, Ahmad Khán re-took Farakhábad and massacred all those who had opposed his family. Safdar Jang sent against him Naval Raí, his deputy in Oudh. Him Ahmad Khán defeated and slew in a bloody battle on the banks of the Kálí Nadí. Enraged at this check, Safdar Jang murdered all the Bangish family in his power, and advanced with a large force composed of such undisciplined rabble that on their march they sacked the friendly town of Bárah, slaughtering many of the inhabitants. The opposing forces met between the villages of Patíárá and Sháwar, and during the battle a violent dust-storm arose that blew directly in the face of the vizír's forces. Safdar Jang's troops were utterly routed, his artillery captured, and his infantry cut up to a man; he himself fled wounded from the field. After this victory Ahmad Khán divided his forces, one portion marching on Lucknow and another on Allahabad. Distracted and embarrassed by his position, Safdar Jang could devise no better expedient than calling in the Mahrattas. By large promises he secured the assistance of Mulhar Ráo Holkar and Jaiapa Sindía, and associating with himself Suraj Mal Ját, he advanced with an irresistible force. Ahmad Khán, seeing how hopeless it was to oppose such an army single-handed, applied to the confederacy at Aunla. Prudence counselled neutrality; they had everything to fear and nothing to gain from the issue of such an unequal contest, and the complication had arisen from Káim Jang's attack on themselves. The chiefs therefore refused assistance, but the ambassador managed to work on the vanity of the rash and headstrong Sayad Ulla and engage him in the enterprise. The remonstrances and warnings of his advisers had no effect on him, and he was at length allowed to depart with Fath Khán's troops, for Dúndí Khán and Háfiz Rahmat still refused to assist. This determination was far more imprudent than not joining at all, for to the outside world the confederacy was one, and by the act of a member of it the whole stood committed, while there was lost by division the advantage of united action. Sayad Ulla joined Ahmad Khán, but their united forces only amounted to 12,000 men and they

were easily routed by Safdar Jang. Ahmad Khán and Sayad
1751 Ulla fled to Aunla, and Safdar Jang issued a proclamation calling on the Ruhela chiefs to submit and pay up their arrears of revenue for the last three years. Háfiz Rahmat and Dúndí Khán, seeing when too late their error, determined to resist. The rainy season was approaching when the numerous rivers of Ruhelkhand presented a formidable obstacle to the Mahratta cavalry. Taking advantage, therefore, of the breathing time, the Ruhelas removed their families to the fort of Chilkía under the Kumáon hills, and then prepared for war. The army of Safdar Jang was so superior in point of numbers that he adopted a strategy that in the face of a more equal enemy would have been hazardous. As a feint, he crossed a small force over the Ganges at the Kamraul Ghat, and when the Ruhelas advanced to oppose them, passed over the rest of his troops by two bridges higher up. Advancing rapidly, they threatened Aunla on the Ruhelas' flank and compelled a hasty retreat. During this retreat Safdar Jang and his allies came up with them near Islámnagar and routed them. The Ruhelas fled to Chilkía, followed, however, so leisurely by Safdar Jang that they had time to fortify their entrenchments against any surprise. Safdar Jang determined on a regular blockade, but in this the Ruhelas who knew thoroughly the difficult forest country and who had the hills behind them whence they could draw supplies, had every advantage. The malarious nature of the country quickly thinned the blockading forces, and the Mahrattas soon tired of a style of warfare little suited to their genius. Both parties became desirous of an accommodation, and the news of another invasion of Ahmad Sháh the Abdáli quickened the negotiations. A peace was patched up, the Ruhelas giving a bond for fifty lakhs of rupees and agreeing to pay five lakhs of yearly
1752 tribute. These bonds were handed by Safdar Jang to the Mahrattas in part payment of his original promises, and formed the groundwork of the subsequent claims of that people on Ruhelkhand.

The news of the Abdáli's invasion proved a false alarm, as he retreated after crossing the Chenab, but wishing to secure friends in India, he released Abdulla and Faiz Ulla, sons of Alí Muhamad, and sent them to the Ruhela chiefs with a letter strongly recommending their guardians to carry out Alí Muhamad's will. To have done this would have been to deprive themselves of all authority, and to obviate the difficulty, they had recourse to a truly Eastern expedient. They altered the terms of the original will slightly, and divided the State into three parts, giving each part to two brothers. By this distribution Abdulla and Murtiza got Aunla, Faiz Ulla and Muhamad Yar Bareilly, and Sayad Ulla and Alla Yar Muradabad. As the guardians knew full

well, this arrangement could not work. The partisans of Abdulla and Murtiza fought in the streets of Aunla, and the city was plundered. Abdulla accused Háfiz Rahmat of favouring his brother, and the latter retorted by accusing him of intending to murder himself, and on this pretence Abdulla, accompanied by his brothers, Muhammad Yar and Alla Yar, was banished beyond the Ganges. But the disgust of the old retainers could not be repressed at the sight of this barefaced treachery and Abdulla was re-called. A new settlement was now made. Sayad Ulla was retained in nominal command with a pension of eight lakhs. Háfiz Rahmat got nearly all the present district of Bareilly, a large part of Shajahanpúr, one pargana in each of the districts of Budáon and Bijnor, and the Nawábí of Rámpúr. Dúndí Khán got all the Muradabad district save one pargana, and the south of the Bijnor district, and one pargana now in the Taráí parganas of Kumáon. All of Najíbu-d-daula's Ruhelkhand possessions lay in Bijnor. Sir-dár Khán Bakhshi got four parganas of Budáon, one of Bareilly and one of Muradabad. Faiz Ulla Khán's jágír was in Rámpúr with a small portion of Bareilly. Abdulla Khán got a pargana of Budáon and one of Bareilly; while Fath Khán had no specific territory, but was supported by a contribution from all. Abdulla Khán retired to Ujhání, became a fakír and professed to cherish snakes and other noxious animals, by one of which he was bitten in the arm and soon after died (August 1761). Murtiza Khán left the country in disgust, Alla Yar died of a consumption, and Sayad Ulla enraged at the injustice done him, retired from public affairs and died in 1764 from the abuse of stimulants.

During the absence of Safdar Jang in Ruhelkhand he had been supplanted in his influence at court by the Emperor's favourite eunuch Jawíd. Finding that his return did not re-place him in his original favour, Safdar Jang murdered Jawíd. Angered at this, the Emperor deposed him from the vizarat and raised Gházíu-d-dín with the title of Imadu-l-mulk to the fallen minister's honours. Safdar Jang was defeated in the war that followed. But by this time the Emperor was tired of his new favourite and tried to escape from Dehlí. He was caught and by order of his vizír dethroned and blinded. Gházíu-d-dín next drew a prince of the blood Azízú-d-dín from a prison and raised him to the throne with title of Alamgír the second. Safdar Jang retired to Oudh where he soon after died of a carbuncle. He was succeeded by his son Jalalu-d-dín Haider, who took the name of Shujáu-d-daula. Meantime, Ahmad Sháh had again invaded India, and not content with the plunder of Dehlí, had compelled the wretched Emperor to give him bonds on the neighbouring States. An army under Gházíu-d-dín was sent to compel payment from Shujáu-d-daula. But with the assistance of the

Ruhelas, Shujáu-d-daula presented so formidable a front that Ghazíu-d-dín had to content himself with five lakhs of rupees.

1757 Soon after this Ahmad Sháh left Dehlí after appointing Najíbu-d-daula the Ruhela Amíru-l-amra. Najíbu-d-daula was an adventurer who had joined Alí Muhamad and greatly distinguished himself by his bravery in his master's wars, and who, after marrying a daughter of Dúndí Khán, had carved out for himself a territory west of the Ganges that stretched from the foot of the hills southward almost to the gates of Dehlí. Gházíu-d-dín was determined to oppose the elevation of his enemy to the new dignity. Unable to oppose him single-handed, he won over Ahmad Khán Bangish of Farakhabad by the promise of the title won by Najíbu-d-daula, and by way of further assistance called in the Mahrattas under Datají Sindia and Mulhar Rao Holkar. After a siege of 45 days Dehlí opened its gates to their united forces, but Najíbu-d-daula by bribing Holkar escaped with his life. Najíbu-d-daula fled to his own jagir, pursued by Ghazíu-d-dín. He threw himself into an entrenchment at Sukhartál and allowed his territory to be plundered. His call on Háfiz Rahmat for assistance was quickly responded to, and, joined by Shujáu-d-daula, the Ruhelas marched to Hasánpúr. There they heard that a large body of Mahrattas had crossed the Ganges and laid waste Ruhelkhand. Advancing rapidly, they swept the enemy before them, and were preparing to cross the Ganges in pursuit when the news of Ahmad Sháh's fourth invasion of India reached them. The Mahrattas made up a hasty peace and marched for the Punjab, and Gházíu-d-dín as a preliminary measure assassinated the Emperor (who had privately invited the Abdálí's aid) and raised another prince Múhiu-s-sanat to the throne. The Ruhelas joined Ahmad Sháh, and at the battle of Pánípat they formed the right wing of the Durání army. They were, however, defeated with prodigious slaughter at the first onset by Ibráhím Khán Gárdí, and took no subsequent part in the fight. Before leaving India, Ahmad Sháh as a recompense for their services gave Shekoabad to Faiz Ulla Khán, Jalesar and Fírozabad to Sayad Ulla, and Etawa to Háfiz Rahmat and Dúndí Khán. But these territories were rather places to conquer than the possessions of the giver. Inayat Khán, son of Háfiz Rahmat, was sent to subdue Etawa, which, after great resistance from the Mahrattas and the zamíndárs, he was enabled to do. About this time there fell a grievous famine in Rajpútana; several of the inhabitants of those parts emigrated to Ruhelkhand, and some of them under the name of Marwáris are still to be found there.

After the massacre of Patna in 1763, Mír Kásim had been defeated and driven from Bengal by the English; he applied to the Subahdár of Oudh for assistance, who, in his turn, applied to the Ruhelas. A considerable force was despatched under Inayat Khán,

who, however, returned before the defeat of the confederacy at Buxar by Sir Hector Munro on October 22nd, 1764. Najíbu-d-daula was at this time besieged in Dehlí by the Játs and Mahrattas, while a body of Sikhs were ravaging his territories. Háfiz Rahmat advanced as far as Hasanpúr to his assistance, but he had no need to cross the Ganges, as the mere rumour that Ahmad Sháh was coming again dispersed the assailants. In the meanwhile the English, after the victory at Buxar, advanced on Allahabad. Shujáu-d-daula abandoned Lucknow in affright and joined Háfiz Rahmat at Hasanpúr. They were further strengthened by some Mahrattas under Holkar and marched against the English, but the combined forces were defeated at Kora on May 3rd 1765 by General Carnac. For some years after this the country enjoyed peace; the Mahrattas had been crushed by the defeat at Pánpát, and there were no external enemies to oppose the Ruhelas, and agriculture and the peaceful arts flourished. In 1769 the Mahrattas, who had again begun to raise their heads, crossed the Jumna under Mahají Sindia and Tukají Holkar. They were joined by Najíbu-d-daula, and the combined forces marched against Ahmad Khán of Farakhabad. But at Koel Najíbu-d-daula sickened and died. His death was the first great blow to the Afghan power, for although before his death he had joined the Mahrattas in attacking one member of the confederacy, still he had defended with a strenuousness and ability worthy of happier days the last remnants of the imperial power, and although the Emperor was powerless for active good or active evil, yet the shadow of a great name still clung to him, and, while Najíbu-d-daula lived, his position as vizír undoubtedly strengthened the Ruhela chiefs.* Háfiz Rahmat joined Ahmad Khán against the Mahrattas, but his troops were mutinous and discontented, and after a few trifling discomfitures Háfiz Rahmat was compelled to agree to the Mahrattas' terms and give up the territory the Abdálí had given the Ruhelas. In 1770 Dúndí Khán died at Bisolí at the age of seventy, of apoplexy. His death was the second great blow to the Ruhela confederacy, for his character stood high for bravery and generosity, and the success of the Ruhelas hitherto may, to a large extent, be ascribed to his ability and suavity. His territories were divided among his three sons.

It was in this year that the Emperor threw himself into the hands of the Mahrattas. Zábíta Khán, son of Najíbu-d-daula, had succeeded to his father's possessions and the views both of the Emperor and the Mahrattas were agreed on the policy of an attack on him. It was feared that he might feel resentment at not succeeding to his father's honours at court. His territories

* For Verelst's character of Najíbu-d-daula, see Mill, iii., p. 488.-

lay invitingly open to attack, and, as the ultimate object of the Mahrattas was Oudh, the fall of Zábíta Khán would open the road for them, as lower down the rivers which have their rise in the Himalayas are not fordable even in the cold weather, and the paraphernalia of bridges and of a regular attack were little suited to the predatory dashing warfare of the Mahrattas. The attack found Zábíta Khán unprepared, and, taken at a disadvantage, he retreated to his father's old entrenchments at Sukhartál. Masking the fort with a small body of men, the main army crossed the Ganges and ravaged Ruhelkhand. Faiz Ulla had advanced to aid Zábíta Khán, but the desperate state of affairs soon left him no resource but flight. Zábíta Khán and Faiz Ulla, abandoning their troops to disperse as best they might, escaped on a single elephant to Rampúr. Najíbábád was plundered by the Mahrattas and the tomb of Najíbú-d-daula defaced; the fort of Najfgarh that had been left unvirtualled was captured, and the family of Zábíta Khán and the treasure accumulated by his father for many years fell a prey to the victors. The situation of the Ruhelas was alarming; their western frontier was laid bare, while to the east the Subahdár of Oudh was ready to seize any opportunity that might offer to acquire Ruhelkhand. But the fears of the Subahdár stood them in good stead, for much though he coveted the country, he dreaded far more to see it in the hands of a capable and ambitious foe. His north-west frontier was an unguarded one, and Lucknow lay alarmingly near it. But the negotiations were long, for the terms of the Subahdár were hard.* Pending a favourable issue, the Ruhelas betook themselves to those forests that had once before been their salvation, and entrenched themselves at Nánikmatta. Flying parties of the enemy were allowed to ravage unmolested the country, and terrorize the cities of Amroha, Sambhal, and Muradabad. The Subahdár still hesitated whether he should not buy off the Mahrattas and appropriate Ruhelkhand, but the English Commander, Sir Robert Barker, urged on him the policy of assisting the Ruhelas. The united forces of the English and the Subahdár advanced as far as Shahabad on the borders of Oudh. But in the meantime came news of a revolution in the Mahratta country, which it was believed would cause the Mahrattas to retreat of their own accord and this induced the Subahdár to come to terms with the Ruhelas. Finally on June 15th 1772 a treaty was signed between the Subahdár and the Ruhelas, which, for greater validity, was countersigned by the English Commander-in-Chief. By its terms the vizír agreed either by peace or war to drive the Mahrattas out of Ruhelkhand, and if after the ensuing rainy season the

* The negotiations will be found in Mill, iii., p. 491.

Mahrattas again came, the vizír bound himself to meet them with an army. In return Háfiz Rahmat on the part of the Ruhelas agreed to pay the Subahdár a sum of forty lakhs of rupees, that is, ten lakhs when the Subahdár reached Shahabad, and the remainder within three years. The son of Háfiz Rahmat in his father's biography tells the story differently. According to him the Mahrattas agreed to retire on receiving a bond for forty lakhs of rupees, but required the Subahdar's security first, and that the latter refused to stand unless Háfiz Rahmat gave him a bond for a similar amount, which he did. The Mahrattas retired unmolested and the Ruhelas returned from their entrenchments at Nánikmatta, but it is said that during their four months' stay there, no less than 8,000 of them had perished from the insalubrity of the climate.

On his return to Aunla died (it is said at the age of 100) Sirdar Khán Bakhshí. He was one of the original followers of Dáúd, and had been appointed by Alí Muhamad paymaster of the army, which office he held till his death. He was noted among his fellows for his single-mindedness, his equity, and his devotion to religious exercises. A contention arose between his sons, Ahmad Khán and Muhamad Khán, as to the division of their father's property, which reached such a height that Háfiz Rahmat had to interfere, and his verdict being in favour of Ahmad Khán, the elder son, Muhamad Khán, raised troops to possess himself of the part of his father's territory that lay west of the Ranganga, forming part of the country known as Ahárát. In this he was frustrated by Fath Khán, who defeated and took him prisoner in a battle on the banks of the river Sot. No sooner was this disturbance quelled than a more serious one arose. Ináyat Khán, son of Háfiz Rahmat, had long been sullen, as he considered that he had been defrauded of his rights by the cession of Etawa to the Mahrattas without his consent. Under the pretence that his troops had been thinned by the mortality at Nánikmatta, he raised a body of men and with them took possession of Bareilly. Háfiz Rahmat marched against him, but rather than openly attack him he had recourse to a stratagem. He signed a grant of the parganas of Farídpur and Salempúr to Ináyat Khán. Ináyat was at first unwilling to receive the grant, thinking that his father had no intention of adhering to it. At length, challenging his father to follow him, he marched his troops southward along the Ranganga to Kíárí, and then crossing the river advanced to Khukú on his way to Salempúr. Here he routed the advanced guard of his pursuers, but a few days later he was overtaken by the main body, defeated and taken prisoner. Háfiz Rahmat refused all reconciliation and banished him without any provision. He remained

twelve months in Faizabad enduring great want, and then driven by necessity, returned to Ruhelkhand. His father still refused to support him, and he retired to an obscure village, where he lingered a little while and then died of a broken heart in the 31st year of his age. About this time also died Shaikh Kabir, the ablest soldier of the Ruhelas.

Zabita Khán had meanwhile allied himself with the Mahrattas and regained possession of his jágir. The Mahrattas, still aiming at Oudh, opened negotiations with the Ruhelas, offering to pass through the country without plundering it. But the safety of that nation lay in an evenly balanced power; a preponderating force on either side would be their destruction, and consequently they returned evasive answers to the ambassadors. In November 1772, when the Ganges became fordable, the Mahrattas marched on Ramghat, demanding from the Ruhelas payment of that bond for fifty lakhs of rupees which 20 years before had been given them by Safdar Jang. Ahmad Khán Bakhshí was sent in advance to oppose the crossing, but instead of taking the usual precautions he contented himself with garrisoning the fort of Asadpúr, which commanded the road from the ford, but not the crossing itself. The next morning Holkar crossed over and captured the fort with all its munitions. The Mahrattas then unopposed marched to Sambhal and Muradabad, plundering those cities and the intervening country. The Subahdár becoming alarmed on hearing of these events, applied to the English for assistance, and they, seeing the danger to which their ally would be exposed if the Mahrattas and the Ruhelas coalesced, moved up the first brigade then stationed at Dinapúr. They reached Shahabad in time to hear of the capture of Ahmad Khán. This hastened their movements, and they arrived at a ford of the Ganges five miles below Ramghat in time to prevent the crossing of a small troop of the enemy. At Ramghat they found encamped on the right bank of the river a large body of Mahrattas guarding the heavy baggage. A distant cannonade compelled them to retreat, and the English crossed in pursuit, but had to return after a fruitless chase. On their return they found that the Ruhelas had joined the Subahdár, but that the confederates had remained inactive from their internal discords. The assistance of the Subahdár was unwelcome to the Ruhelas, as they knew they would be compelled to pay the bond for forty lakhs which they had given, but which they never intended to pay. The chiefs of the Ruhelas shirked their part of the transaction, contending that one member of the confederacy had no power to bind the remainder, while they all united in suspecting the Subahdár, and the Subahdár was equally distrustful of them. It was therefore left to the English to drive the Mahrattas out of Sambhal. On the approach of the

English, Holkar retreated from that city, and crossing the Ganges at the Púth ghat near Hasanpúr destroyed the bridge behind him. The Mahrattas marched up the right bank of the river and threatened to cross at a ghat higher up, but they were frustrated by the rapid advance of the English. And as the river soon afterwards began to swell from the melting of the snows in the summer heat, the Mahrattas retreated to Etawa. Soon afterwards came news of disturbances at Poona, and the main body marched thither, leaving Northern India for a time relieved of their presence. The Subahdár pressed the Ruhelas for payment of the debt due under the bond, but the latter shuffled and hesitated, and as it was not considered politic to press the matter then, the English and the Subahdár withdrew their troops before the commencement of the rains.

About this time died Fath Khán, Khansama, leaving six sons. The two eldest, Irshidat Ahmad Khán and Azím Khán, divided their father's property equally, Aunla falling to the former and Budáon to the latter. But according to the unvarying custom of the East, each began at once to try and subvert the other. Azím Khán possessed himself of all his father's elephants and artillery, but being persuaded by Háfiz Rahmat to give half to his brother, he was first cajoled and thrown off his guard and then attacked and defeated by him. The death of Fath Khán left Háfiz Rahmat the sole survivor of those to whom Alí Muhamad had confided his children. His authority was weakened by the numerous disputes and contentions of the various chiefs. These dissensions were allayed for a time by the incursions of the Mahrattas, but no sooner had they retired than the strife broke out again. Háfiz Rahmat was regarded by the others with distrustful eyes. On the death of Fath Khán he had seized some of his lands, and had repudiated an old standing debt of two lakhs of rupees. He had taken two lakhs more from the paymaster—ostensibly for the use of Muhamad Yar, Alí Muhamad's youngest son, but really for his own. After the death of Dúndí Khán similar requisitions had been made on his sons; Faiz Ulla Khán even, incomparably the most powerful chief after Háfiz Rahmat, dreaded him, as he feared that his brother, Muhamad Yar might be raised up as his rival. On the death of Sayad Ulla Khán a pension of three lakhs of rupees per annum was continued to his widow. This, however, was not paid with any regularity, and as the recent incursions of the Mahrattas had made the chiefs still less inclined to pay than before, the stipend was entirely stopped. She was loud in her outcries, but banded from chief to chief, each repudiating his share and referring her to another, she had at length to put up with a bond for the debt—the favourite device of the Ruhelas. The incursions of the Mahrattas and the internal

feuds of the chiefs were not without their effect on the general prosperity of the country, and whatever might have originally been the flourishing state of Ruhelkhand, the present state of the people was such that only a long interval of peace and a stronger government than that of a number of semi-independent Afghán chiefs impatient of control, could restore it to its former condition.

It was at this juncture, when a number of the leaders of the Ruhelas were corresponding with, and some even in the pay of the Subahdár—when the original defects of the constitution of the coalition were beginning to show themselves—when all the members distrusted the only chief whose age and services entitled him to lead—when Zabita Khán had withdrawn from the confederation, and when the power of the Bangish tribe at Farakh-abad was neutralized in the nerveless grasp of Muzaffar Jang, the son of Ahmad Khán—that the war which ended in the destruction of the Ruhela nation broke out. The negotiations between the Subahdár and the English that preceded this war, are given at length in Mill, but there are a few reflections on the conduct of Warren Hastings that seem germane to the matter, but which have been rather overlooked. His conduct while Governor-General has been subjected to a closer scrutiny than that of any statesman who ever lived. It was only a few months after the date of these negotiations that Sir Philip Francis took his seat at the Calcutta Council Board. Francis was a bitter enemy of Hastings, both privately and politically, and of all bitter haters Francis was the bitterest. His official position in India gave him access to the secret records of Government, and such was his portentous energy that of almost all these he made and kept private copies. Armed with the knowledge thus acquired, and aided by a most minute memory, he was able, when the proceedings commenced against Hastings, to prime his friend Burke with information on every possible subject. As the conduct of Warren Hastings touching the Ruhelas seems the most vulnerable point in his policy, the charge relating to it was the one first moved by Burke in the House of Commons on June 1st, 1786. It was, however, lost by 119 to 67. Of course the decision was come to on any other grounds rather than those of abstract right or wrong, and before examining the conduct of Hastings that led to the charge being moved, we must remove a great deal of sentiment that has grown up around the question. This sentiment may be traced to the palpable bribe that Hastings (not for himself) took during the negotiations, and to the pleading of Burke who used all an orator's rhetoric in a cause which he believed to be just. The bribe may be explained, though not palliated, by the peculiar position of Hastings as the Governor of a large country on behalf of a Company who were still guided in their dealings by the commercial spirit.

The acceptance of a bribe can in no way be excused, and if he be influenced by a bribe, though not given to himself, the conduct of a man to whom is confided the destiny of millions, is more culpable than that of a smaller man who takes a bribe from selfish reasons. And so dangerous to society is the corruption of its rulers that no use can be made of the defence that the conduct which followed the taking of the bribe was the just one.

Burke's imagination carried him away when he described the Ruhelas as "the bravest, most honourable and generous nation upon earth," as it carried him away when a few years later he dwelt on the sufferings of the French Royal Family. We have seen that the Ruhelas were a body of marauders who about 40 years before had begun to carve out for themselves a principality in Ruhelkhand—how they had not scrupled at any enormity if it removed an obstacle from before them—how their path was marked by blood. We have seen how the territory that Alí Muhamad filched was divided with fraud among those very men whom he had sworn on the Kurán to defend the rights of his orphan children. We have seen how the province, at first secured from internal discord by Alí Muhamad's simple policy of rooting out every right but those of the Ruhelas, became torn by the dissension of its chiefs—brother fighting against brother. We have seen how in the end these internal discords reduced the country to such a pass that it became an easy prey to the Mahrattas. Can such men be called "the bravest, most honourable and generous nation on earth"? Again, what did conquering the Ruhelas mean? Certainly not conquering a nation. The Ruhelas formed the army, the tax-collectors, the officials of Ruhelkhand, a body of men to whom the fortune of war had given the country. Had Hastings agreed to aid the Subahdár with some English troops in putting a pressure on them, the most fastidious could not have discovered anything to blame in his conduct. Had he agreed to assist in conquering them, though some might have been found to animadvert, the majority would have seen only the necessity of the time. But the use of the word *exterminate* or *extirpate* alters the light in which his conduct has been regarded. The reason is simple. Exterminate and extirpate are allied to the class of words called by Bentham in his happy phraseology Question-begging epithets; that is, they, apart from the subject-matter, implicate blame. But in what sense are the words used here? We have seen what the Ruhelas were, and that by extirpating them was merely meant changing the army—the rent and revenue collecting officials and the administrative body generally. We have no means of estimating the number of these Ruhelas, but they may be set down as near 40,000, and they ruled over near a million of Hindús. Had these 40,000 men been left in Ruhelkhand after its

conquest, the pacification of the country would have been impossible, for they were too turbulent and impatient of control to have submitted to any master.* Supposing, therefore, that the conquest of Rubelkhand was determined on, their extirpation was a matter of necessity. The issue is therefore narrowed down to this, Had Hastings any right to assist in conquering the Ruhelas? First, were there any reasons that called on him, or bound him, to prevent such a conquest? The Ruhelas had never been anything but hostile to the English. A body of them under Ináyat Khán had assisted Mír Kasim at that critical time when the western Mahomedan powers joined against us, and when the victory of Buxar alone relieved us from our peril. Another body in the succeeding year, under Háfiz Rahmat himself, assisted the Subahdar when he and the Mahrattas were beaten by the English at Kora. With them, therefore, we had no alliance. Another argument against the course pursued by Hastings has been drawn from the flourishing state of Rubelkhand.† But we have seen that, however prosperous the country may have been in the earlier days of their rule, the dissensions and feuds of their chiefs and the general mistrust of Háfiz Rahmat and of each other had rendered them so helpless that the Mahrattas overran the country without resistance. It is clear then that there existed no reason against such a conquest. Next comes the far more difficult question, How far was he justified in aiding it? The hostility of the Ruhelas to the English before cannot be pleaded in answer to this. The justification, if any, must rest either on the provocation given or on general policy. The Ruhelas had agreed to pay a stipulated sum in return for certain assistance. The assistance had been rendered, but the money had not been paid. Demands for payment had been met with evasion. If, then, the treaty were anything more than waste paper, the only remedy lay in war, for all who know the East know that no payment that can be avoided will be made. But in this conduct of the Ruhelas there was no ground for conquest; the justification therefore must be sought for in questions of general

* It is curious to trace the conduct of the descendants of the chiefs in the mutiny of 1857. The Bareilly leader, Khan Bahadoor, was a grandson of Háfiz Rahmat and a pensioner. The Bijnor leader, Muhamad Khán, was a grandson of Zábíta Khán and a pensioner. One of the Muradabad leaders, Asad Alí, was descended from Dúndí Khán; the other, Maju Khán from Azmat Ulla.

† The good government of the Ruhelas and the bad government of the Subahdar of Oudh have been equally exaggerated. There are but few paltry remains in Rubelkhand of the Ruhela occupation. True, they were rough soldiers, but so was Nathe Khán, the ruler under the Subahdar, a rough Afghán soldier and adventurer, yet to him Muradabad owes its two chief trading marts, Chaudausi and Dhanora.

policy. The boundary of Oudh and Ruhelkhand was a long imaginary line, the weakest of all frontiers. As long as the Ruhelas were strong and friendly, they made a good barrier against an enemy. Such a strong barrier was essential, for the gate of Oudh was Ruhelkhand, where the rivers just emerging from the hills have not acquired sufficient volume to be a serious obstacle to any assailant, especially to the Mahrattas who delighted in a war of raids and surprises. But the Ruhelas were no longer powerful as before, and they could offer no resistance to the Mahrattas, who harried their country at will until driven out by the English and the Subahdár. To make war only on them was to weaken them further; to conquer them would give Oudh a strong frontier on the Ganges; and the best defence of which Hastings' conduct is capable is found in the immunity which the land had for many years from Mahratta raids.

The attack of the Subahdár and the English was prefaced by several warnings, but still the invasion found the Ruhelas as unprepared as they were twelve months before to meet the Mahrattas. Payment was refused, but the Khansama, the paymaster, and the sons of Dúndí Khán hung back from the confederacy. At length Háfiz Rahmat marched at the head of a force consisting of 24,000 horse and foot, 4,000 rocketmen and 60 pieces of artillery, to Mírán-púr Katrá where he entrenched himself in the mangoe orchards surrounding the village. Delay was valuable to him as his forces were daily increasing, while the lateness of the season was dangerous to the allies. The English and the Subahdár had by this time advanced to Tilhar, and determining to bring the Ruhelas speedily to action, they made a feint of attacking Pílibhít where Háfiz Rahmat's family then was. This had the desired effect, and Háfiz Rahmat marched out of his entrenchments on 22nd April 1774, only to find the enemy drawn up in line of battle to receive him. The surprise was complete; an action could not be avoided, but there was no time to follow any regular plan in the battle. The action was a mere cannonade in which the English with their superior guns, superior powder and superior discipline, had a decided advantage. Some charges of cavalry were attempted, but without success. At length Háfiz Rahmat was struck in the breast by a cannon-shot and fell. With the loss of their leader hope left his army, and it soon broke its ranks and fled, leaving 2,000 dead on the field.*

The loss of Háfiz Rahmat was irreparable to the Ruhelas. Of his personal bravery there can be no question, but his prudence and caution often neutralized his more generous qualities, and at some of the crises of his life as in 1751 almost paralyzed his action. The leading characteristic of his mind was perhaps avarice, and

* For Colonel Campion, the English Commander's account of the battle, see Mill, iii., p. 507.

with it he combined an insincerity that gave him a facility in making promises which relieved him from a temporary difficulty, but which he never intended to fulfill. It was in the end a combination of these qualities that brought him to his ruin. He was a stickler for religious observances, and many of his tenets were those which are at this day held to be distinctive of the Wahhábí sect. His biographer relates with a laborious minuteness the rigour of his fasts and the strictness of his ritual. But whatever may have been the outward munificence to the "widow, the blind, and the orphan," he had very little of the real charity of religion, and his hard unforgiving treatment of his son, Inayat Khán, will for ever remain a blot on his memory.* With all this he was a fairly successful governor, and that avarice which afterwards helped to ruin him, made him for a time a good ruler of men. In more settled times the prudence which dictated the neutral temporizing politics of the Ruhelas would have been attended with good to the country, but the end of the eighteenth century in Hindustan was no time for a half-hearted policy. The abolition of transit duties by Háfiz Rahmat in 1766 shows that he had the rudiments of higher statesmanship. He had twenty-three children, fourteen sons and nine daughters.

After their defeat the Ruhela army under Faiz Ulla Khán escaped to Rampúr, and thence, after collecting their treasure, to Lall Dhang at the foot of the hills. Several straggling bodies of Ruhelas were cut off by the Hindú peasantry, who everywhere rose against their rulers. The English army cantoned at Bisaulí, but as time was of importance to the Ruhelas to allow them to prepare for their defence and as there were rumours of the approach of the Mahrattas, the English troops broke up their camp on July 30th, and in spite of the unhealthiness of that part of the country at that season marched to besiege Lall Dhang. The place was closely invested, and at last, when only four days' provisions remained in the Ruhela camp, Faiz Ulla agreed to the terms offered, and on October 7th a treaty, known as the treaty of Lall Dhang, was concluded, by which Faiz Ulla received a jagír of 14½ lakhs of rupees yearly, consisting of parganas Rámpúr, Biláspúr, Ajáon, Thakurdwará, Rehar, Sarkara, Shahabad, Chaumahla and Sírásáwar. At the same time Faiz Ulla agreed not to keep up a force of more than 5,000 men. The main body of the Ruhelas, 17,000 or 18,000 strong, were transported across the Gauges and the rest allowed to return to their homes. Faiz

* While his son was in rebellion, he is said to have thrice gone to the mosque and prayed aloud, "Cause the cup of his life, O God! to overflow whilst yet in his youth, so that fruit

may never spring from that inauspicious branch; and never let me be exposed to the shame of again beholding his face."

Ulla Khán and his brother, Muhamad Yar, made Rámpúr their capital, and there the latter soon after died of the stone. Faiz Ulla ruled his territories with prudence and success. In 1780 he again came in contact with the English with regard to the contingent of troops he was to furnish. The matter, which redounded little to the credit of the English, will be found fully discussed in Mill (vol. iv., pp. 416 *sq.*) and need not be further referred to here. Faiz Ulla died on 18th July 1774 of a carbuncle in his back. He left eight sons, of whom the eldest, Muhamad Alí, succeeded his father. But he being a man of haughty and overbearing temper, the chiefs of the State, headed by his brother Gholam Muhamad, determined to depose him. Muhamad Alí had a blind belief in his brother's faith, and refused to credit even the servant who came to warn him that the conspirators were coming. He was cut down in his *divánkhána* and carried still alive to the *senana* apartments, and Gholam Muhamad proclaimed himself Nawáb in his place. Gholam Muhamad failed to get his wounded brother into his power until he had taken a solemn oath not to injure a hair of his head; he then had him conveyed to the fort at Dungarpúr, where he was shortly after shot while he slept. The Subahdár of Oudh was inclined on the receipt of a good bribe to recognize Gholam Muhamad as Nawáb, but the English refused to be a party to such a transaction. The Farakhabad brigade under Sir Robert Abercrombie marched to oppose the usurper. The English General halted about six miles north of Bareilly to wait for the Subahdár's troops, but in the meantime Gholam Muhamad marched from Rámpúr with 25,000 men. Four days after leaving Rámpúr, he arrived at the Dujarra river. On October 28th, 1794, he crossed, and taking up a position with the village of Bithaura (now known as Fathganj) in his rear, compelled the English to engage him. The English cavalry were sent out to skirmish and draw the Ruhelas within range of the guns, when they were to open for the guns to fire through their ranks. But at the first onset they were driven back in confusion, and the guns could not open till the enemy were within musket-shot. The Queen's regiment engaged was almost annihilated, but two companies stood firm, the fire of the artillery mowed down the Ruhela ranks and the bayonet completed the victory. Gholam Muhamad, who watched the battle from his elephant on the mound where the graves of the officers who fell in the action now stand, fled to Rámpúr when he saw no hope remaining. The success of the English was dearly bought with the loss of three Colonels and several officers of note, while it is said that Ramsay, the Commandant of the cavalry, was not heard of for many years till he turned up in America. Gholam Muhamad with the remnants of his army fled to Fathchor at the foot of the hills. The English, when

joined by the Subahdár, marched against him *vid* Bádle Tanda, Thákurdwára and Rehar. On the approach of the allies Gholam Muhamad gave himself up and was sent a prisoner to Benáras. His troops refused for some time to yield. At length on December 13th, 1794, a treaty was signed by which the troops agreed to give up their treasure on condition that their arrears were paid and Ahmad Alí, the infant son of Muhamad Alí, given a jagír worth ten lakhs of rupees. This jagír is the territory of the present Nawáb of Rámpúr. Ahmad Alí died in 1839 and left only a daughter by a sweeperess, whose succession was disallowed; consequently Mahomed Sayad, then Deputy Collector of Budáon, and a son of Gholam Muhamad, was made Nawáb. He died in 1855 and was succeeded by his son, Mahomed Yusaf Khán. It was in his time that the mutiny broke out. For his services to the English, he was by the Sanad dated June 23rd, 1860, given 123 villages of Bareilly, yielding a revenue of Rs. 1,19,158 yearly, and 13 villages of Muradabad yielding Rs. 9,369 yearly. It was intended at first to give him pargana Káshipúr, but these villages were afterwards substituted. He died in 1864, and was succeeded by the present Nawáb, Kalb Alí Khán.

So ends the story of the Ruhelas. Looking back at those times, the words of the French Comedian (taken appropriately enough from his play of *Le Medecin malgré lui*) suggest themselves as forming the best motto for the English Government of India—*Mais nous avons changé tout cela.*

R. S. W.

ART. II.—ISLAM.

PART II.—MUHAMMAD AT MEDINA.

ACCORDING to Arab traditions the territory round Yathrib or Medina was peopled in a remote part by the Amalekites. Yathrib, a chief of this tribe, settled, it is said, on the spot which still bears his name; and by degrees a town rose up, the foundation of which is attributed to him. The valley was well watered, and rich in palm trees; and the Amalekites prospered until they were assailed by the Jews. In what manner these early settlers were driven out by the Jews there is no certain account. The traditions differ. Some of the accounts are evidently derived from a confused and fragmentary account of the destruction of the Amalekites by Saul and Samuel. Others, again, affirm that the first Jewish settlers that arrived in the Hedjaz, were fugitives from Jerusalem when that city was taken and destroyed by Nebuchadnezzar. It appears most probable that the number of the Jews settled in and about Medina was swelled by successive emigrations. The author of the Aghani mentions one about the time when Pompey reduced Judæa to the condition of a Roman province. A further emigration, probably, took place when the city was destroyed by Titus (A. D. 70), and a third to escape the bloody vengeance inflicted by Hadrian upon the chosen people, in retaliation of their last desperate effort to throw off the Roman yoke (A. D. 136). Some Arab hordes were at that time spread through the district, but not in sufficient numbers to dispute the possession of the country with the Jews. Yathrib became the residence of the noblest and wealthiest families among the Jews. Castles or fortified houses, quadrangular in shape, studded the town and the suburbs. Fresh bands of emigrants as they arrived, constructed similar habitations for themselves. The two largest and most powerful of these Jewish tribes were the Bani Koraizha and the Bani Nadhir.

Such was the state of the country when the two Azdite families of Aus and Khazraj penetrated into the Hedjaz. This was about the year 300 of our era. Aus and Khazraj were brothers. The emigrants consisted of the third or fourth generation in descent from them. A treaty of alliance was concluded between the new comers and the Jews. They lived amicably side by side, until in the course of the two next centuries, the Arabs had equalled the Jews in strength and numbers. They were idolaters, and the names of the idols, Lat and Manah, appear in the composition of their family names.

It was inevitable as soon as the two races approached to equality that hostilities should break out between them. The struggle terminated in favour of the Arabs, who succeeded in massacring the chief men of the Jews at a banquet to which the latter had been invited under the pretence of arranging a peace. But the Jews, though weakened, were still formidable, and the Arabs deemed it expedient to execute a second massacre upon them. The Arabs appear to have suffered from a poverty of invention which is only less surprising than the credulity of the Jews. They had recourse to their former device of a banquet; the Jewish chiefs innocently fell into the snare, and were once more massacred. The Arabs henceforth remained the undisputed sovereigns of Medina; the Jews were reduced to the condition of their clients or *maulas*. These events took place about A.D. 492-95.

But the tribes of Aus and Khazraj, true to the Arab instinct, had no sooner vanquished the common enemy than they turned their weapons against each other. Blood feuds, pursued with unrelenting pertinacity, were the occasions of wars which raged almost without intermission until within six or seven years of the flight of Muhammad to Medina (about A.D. 615), when the power of the Khazraj was temporarily crushed on the field of Boath. Had the Jews been at union, these discords might have been made the means of recovering their old ascendancy. They had but to fling their undivided weight on the side of one party in the quarrel, and the other must have been exterminated. But family dissensions work like madness in the brain; and breed a passionate desire of revenge which overrides every other consideration. The Jews seized upon these Arab conflicts as a means of procuring allies to prosecute their own civil quarrels with greater effect. It was sufficient that one Jewish tribe had espoused one side of the quarrel to make the others espouse the opposite. And so it came to pass that while the Koraizha and the Nadlir fought under the banner of the Aus, the Khainoka were numbered in the ranks of the Khazraj. Fatigued by these dissensions and feeling that the only way to put a stop to them was by submission to a common authority, the two rival tribes determined to elect a king. They were disposed to crown Abdallah, son of Obay, a leading man, and one who throughout the long wars which had desolated the valley had more than once shown in his actions a rare spirit of wisdom, moderation and peacefulness. But at this time Islam having made its way into Medina, gave a wholly new direction to the thoughts and actions of the people.

From this short sketch of the state of society at Medina, the reader will perceive that Muhammad, as the founder of a new faith

had to work under conditions widely different from those which surrounded him in Mekka. In some respects his task was rendered easier; in some more difficult. At Mekka, his arguments, his threats, his pleadings, entreaties and exhortations had all alike striven in vain to penetrate the materialism of Mekkan idolatry. The Mekkans could not believe from sheer incapacity to rise to the level of the new creed offered to them. In Medina this difficulty was in great part removed. Their long association with the Jews had familiarized the Arabs of Medina with the leading ideas of Islam, the unity of God, the succession of the Prophets, and a future state of rewards and punishments; and their national vanity persuaded them to surrender easily to the gratifying conviction that the last and greatest of the Prophets had been chosen from among their own race. But on the other hand Muhammad had now to encounter difficulties which at Mekka he had never experienced. The ignorance of the Koraish had allowed him to give very much what account he pleased of the Suras he recited to them. When he asserted his wild and extravagant legends regarding Noah, Abraham, Joseph, Solomon and others to have been directly communicated to him by the Archangel Gabriel, and to be identical with similar histories contained in the sacred books of the Jews, the Mekkans might and in fact did discredit both the one assertion and the other. But they could not refute. They had not the means to demonstrate on the spot the falseness of the claim set up by Muhammad. At Medina it was different. Here he was brought face to face with the very people and the very books to whom he had appealed as confirming his own prophetic character. The Jews hitherto had been regarded precisely as believers. The doctrine laid down at Mekka was that "to every people God has sent a messenger." Moses had been the Prophet of the Jews, as Muhammad was the Prophet of the Arabs. The Pentateuch and the Koran were copies of one and the same book existing throughout all eternity in Heaven. Muhammad's ignorance of the Jewish scriptures had caused him to commit himself to these positions. Here we discover the cause of the bitter enmity against the Jews which animated Muhammad in his later days. For no sooner was he confronted with the veritable Jewish scriptures than the falseness of his assertions respecting them became manifest; and either he had to confess himself to be an impostor, or by a complete change of front denounce the Jews as "infidels" reserved for hell fire, and exterminate them as such. He chose the latter alternative; and no better proof can be given of the extraordinary ascendancy Muhammad had gained over the minds of his followers than the fact that he could do so without shaking their faith one jot or one tittle. These followers formed a body more numerous, compacter and

better organised for his purposes than they had ever been at Mekka. In accompanying him to Medina, they had broken with the family and tribal ties which exercised so strong a sway over the Arab mind. Religion had become their profession ; devotion to the Prophet was the spiritual tie which bound them together. Hardly less fanatical was the feeling of those Arabs of Medina who had invited the Prophet to their city—the *Ausars* or “Helpers,” as they are called in Muhammadan history. At a feast of brotherhood given by Muhammad for that purpose the Fugitives from Mekka and the Faithful in Medina pledged themselves by pairs to a union so close that each regarded the other as his heir to the exclusion of his blood-relations. In the fragmentary condition of Arab society, it is impossible to over-estimate this element of strength.

From the date of his arrival at Medina, Muhammad the Prophet may be said to have disappeared and to be re-placed by Muhammad the Party Leader and ambitious Politician. The character, too, of the Koran is completely changed. Its dreary pages are no longer lightened by those flashes of inspiration which occasionally cheer us in the Suras delivered at Mekka. The effort now is to found a Polity, not to communicate a message from God. In effecting this work, the errors and the crimes of the Prophet were many, but the worst and most signal sin of all was the attributing of a divine sanction to these errors and crimes. Islam as a Polity was adapted to the rude and simple wants of the only social system with which an Arab was at that time acquainted ; it was built up in accordance with the imperfect code of morality which commended itself to the barbarous Arab conscience, but to the Polity erected on these rude lines was given the attribute of Finality. Muhammad asserted that it was in all its details carried out under the immediate superintendence of the Deity ; and thereby consigned the whole Muhammadan world to a state of immobility. He walled up with his own hands at Medina the passages to that higher life of which he had given his followers a glimpse at Mekka.

At Mekka the new Faith had neither sacred building nor ritual. Among the first acts of the Prophet at Medina was to supply these wants. A plot of ground was purchased ; and the first rude Muhammadan mosque erected. It was a very simple building, supported on the trunks of palm trees, and the roof covered in with palm branches ; but in its shape and general arrangements, the type after which all the mosques throughout Islam have been built ever since. At this time the *Kibla*, or point towards which the Faithful turned their faces when praying, was Jerusalem. Muhammad intended thereby to signify that his creed was one and the same as that which had been taught by

Moses, and Jesus in Jerusalem. There can be little doubt that he really believed this until he came to Medina. But when the Jews resident there refused to acknowledge him as the Prophet like unto Moses that was to come after him and complete the revelation which Moses had begun; when they scoffed at his assertion that the stories related in the Koran were similar to the histories of the Old Testament; when they made use of this dissimilarity as a conclusive argument against the assumption by Muhammad of the prophetic character, it became a matter of imperative necessity either to give up Islam altogether, or at least to sever it from its dependence upon the Jewish faith. Muhammad did not delay long in making his choice. On the 16th January 624 A.D. after sundown a man entered the mosque and cried to the Faithful assembled there:—"I come from the Prophet, and bring you the intelligence that God has changed the *Kibla*; turn your faces towards the *Kaaba* of Mekka, for this is now your *Kibla*." This sudden change from Jerusalem to Mekka is represented in the Koran as a trial of faith. Mekka, in the counsels of God, had all along been the true *Kibla*; Jerusalem had been named for a time only that God "might know him who followeth the Apostle from him who turneth on his heels; the change is a difficulty, but not to those whom God hath guided." The morality of this act is, doubtless, bad enough, but its worldly astuteness cannot be questioned. Those who "turned the heels" were of course the Jews. Their faith had been tried by this test and failed. They were henceforth infidels; and the impious arguments with which they attempted to cast doubt upon the authority of the Prophet must be disregarded by the Faithful as the manifest workings of the Evil One. By the change, too, of the *Kibla* to the *Kaaba* of Mekka, Muhammad at one stroke brought his teaching into harmony with the old traditional belief and veneration of the whole Arab people. There was no longer any violent rupture with the past involved in the reception of Islam; and in becoming strictly a national creed, Islam was enabled to strike root in the Arab mind with a depth and concentration which it could not have acquired had it retained its cosmopolitan character.

Hitherto, when the time of prayer came round, a crier had gone through the streets of Medina to summon the Faithful. But with the change of the *Kibla* it was thought expedient to adopt some less rude method of summons. No revelation on the subject having been made to the Prophet, various plans were proposed by members of the congregation. The Prophet suggested that a gong should be beaten, but this did not please the faithful because the gong was already used by the Christians. At last one of the Medina converts had a dream; he saw a man clothed in green

stand on the roof of the mosque and heard him shout :—"God is great, God is great ! There is no God but Allah !" By Omar's advice this was adopted as the signal to summon believers to prayer, and it has remained so to this day.

The next regulation prescribed to the Faithful was the fast during the month Ramadhan. It was appointed, evidently, in imitation of the Christian Lent in memory of Christ's Death and Passion, and the Jewish Passover in commemoration of their deliverance from Egypt. In like manner Muhammad decreed that this month Ramadhan should be held as peculiarly sacred, as that "in which the Koran was sent down to be man's guidance and an explanation of that guidance." "As soon as anyone of you observeth the moon, let him set about the fast ; but he who is sick or upon a journey shall fast a like number of other days." But to make clear that the Muhammadan's faith in no way depended for guidance upon that of either Jew or Christian, the period for fasting was reduced from forty days to a lunar month. All night the Faithful were permitted to "eat and drink until ye can discern a white thread from a black thread by the daybreak ;" after that they were to "fast strictly till night."

Together with these ritual changes came that change in the spirit of Islam which converted it from the religion of resignation into that of the sword. Although the fugitives from Mekka had been received with the utmost kindness and hospitality by the Faithful at Medina, yet after a time much distress was experienced by those among them who had no property of their own and were unacquainted with any handicraft. Thirty, or, according to some writers, seventy men were houseless and almost naked. They slept under the covered part of the mosque and depended for their food upon the charity of the Prophet. It was their wretched condition which evoked the urgent appeals that appear in the Medina Suras to the rich Faithful to support their indigent brethren. Charity is likened to a grain of wheat planted in the soil, which returns sevenfold to the sower. The fear lest too great a liberality should impoverish the donor is rejected as a suggestion of the devil. But the most liberal almsgiving could not permanently provide a living for the destitute. There was another means of livelihood, congenial to the Arab mind, carrying with it no stain of disgrace or immorality, and that was robbery. Why should not the Faithful adopt this ? The infidels of Mekka who had driven them from their ancestral homes, were merchants. Their caravans laden with wealth of all kinds were continually passing between Arabia and Syria. Surely, to despoil these infidels and employ their property to feed the hungry and clothe the destitute among God's people, would be a work well pleasing in His sight. Muhammad was not long in obtaining a revelation to the effect that

"a sanction is given to those who, because they have suffered outrages, have taken up arms,"—that God is well able to "succour those who have been driven forth from their homes wrongfully only because they say, Our Lord is the God." The religion of Islam became the religion of the sword. Parties were organised and despatched in different directions to intercept the Mekkan caravans. To fight on the path of God, to give freely for the cause of God, were represented as among the highest virtues of the Faithful. This warlike and aggressive spirit was of course heightened and strengthened beyond all control by the victory of Bedr in the year 624. A few hundreds of the Faithful had overthrown a far superior force of the Infidel. The latter had fled in terror and confusion before them. It was a clear proof that God was on their side, that He sharpened the edges of their swords and gave strength to their arms in the day of battle. Muhammad was exultant. He taunted the corpses that were once his enemies. ! "Woe to you, ye fellow tribesmen of the Prophet! You have held me to be a liar while strangers have believed me; you have exiled me, and others have given me a home; you have been bitter against me when strangers have protected me! My God has done that which He said He would!" To his own followers he declared that it was not they but God who had won the battle. "A thousand angels rank on rank" had fought on their side unseen of mortal eyes. Therefore they need never fear, whatever odds confronted them. But should any be fainthearted and turn his back in the day of battle, he should incur the anger of God. "Hell shall be his abode, and wretched the journey thither."

Fair seeming to men is the love of pleasures from women and children, and the treasured treasures of gold and silver, and horses of mark, and flocks and cornfields! Such is the enjoyment of this world's life. But God! goodly the home with Him. Theirs shall be gardens, beneath whose pavilions the rivers flow, and in which they shall abide for aye; and wives of stainless purity and acceptance with God; for God regardeth his servants.

Even the battle of Ohod in the succeeding year, when the Faithful sustained a sanguinary defeat, failed to destroy the testimony borne by Bedr. Muhammad represented it as a trial of their faith. The Faithful had been too confident in the strength of their belief. They had thought it an easy thing to look death in the face, knowing God to be on their side; but when death actually appeared before them, they had fled. Did they think that they should enter Paradise ere God had taken knowledge of those who did valiantly? They were not to be cast down by this reverse. "No one can die except by God's permission, according to the book that fixeth the term of life." It was Satan who

had caused them to turn the back on the day the hosts met. Neither were they to mourn over the slain.

Alive with their Lord, are they richly sustained ; rejoicing in what God of his bounty hath vouchsafed them ; filled with joy for those who follow after them, but have not yet overtaken them, that on them nor fear shall come nor grief ;

Filled with joy at the favours of God and at his bounty : and that God suffereth not the reward of the Faithful to perish.

The fearless and devoted spirit excited by these exhortations reached its culminating point after the failure of the grand attempt made by the Koraish to capture Medina, two years after the battle of Ohod. Abu Sofyan, the bitterest enemy of Muhammad, headed this attempt. Ten thousand men beleaguered the city of Medina. From the number of tribes engaged in the enterprise, the war is spoken of in the Koran as "the war of the Confederates." In Medina there was general consternation. The Prophet promised victory, but his words fell upon unheeding years. The people of Medina beheld in anticipation a more fearful slaughter than that of Ohod, making the streets of the city run red with blood. Medina, by the advice of a Persian eunuch, was surrounded with a ditch. This simple device was sufficient to disconcert the besiegers. They gave loud expression to their disgust. "Never before," they complained, "had the Arabs made war in this fashion." For two weeks they gazed at the ditch, incapable of devising a means to pass it. Muhammad bribed off a large portion of the confederacy ; a hurricane overthrew the encampment of the remainder, and they retreated in the utmost haste. Here was a clear proof that God and His angels fought on the side of the Faithful.

"O believers," says Muhammad, "remember the goodness of God towards you when the armies came against you, and we sent against them a blast and hosts that ye saw not ; for the eye of God was upon your doings :

When they assailed you from above you and from below you, and when your eyes became distracted, and your hearts came up into your throat, and ye thought divers thoughts of God :

Then were the Faithful tried, and with strong quaking did they quake.

From this time Muhammad's career was one of almost unbroken triumph. The whole of Arabia became subject to him. But with every extension of dominion there arose a corresponding enlargement of ambition. The vision of a world far beyond the confines of his native land subject to Allah and his Prophet filled his imagination. The sword must be the instrument whereby he should ascend to universal dominion. The ninth Sura is that which contains the Prophet's proclamation of war against the votaries of all creeds other than that of Islam. Those, he says, who strive with their substance and their persons on the path of God shall be of the highest grade with God. Tidings of mercy

from Himself shall God send them and of gardens in which lasting pleasure shall be theirs. But those who treasure up gold and silver and expend it not in the way of God, shall suffer a grievous torment. Their treasures shall be heated in hellfire, and their foreheads and their sides and their backs shall be branded with them. Some there are who delight to stay behind God's Apostle, allege the heat of summer as a pretext for not contending with their riches and their persons in the cause of God. A fiercer heat will such backsliders experience in the fire of hell. Neither thirst nor labour nor hunger can come upon those who are fighting in the path of God; for all that they do or suffer is written down in the Book of Life as a good work. A hundred of the Faithful, if they fight with constancy, shall overcome two hundred of the Infidel; a thousand shall cause two thousand to fly. There are twelve months in the year, four of which are sacred; but those who join gods with God are to be attacked in all indifferently. The Faithful are to seize them, besiege them, and lay in wait for them with every kind of ambush. The Jews and the Christians are specified as objects of the special vengeance of the Faithful. The Jews say that Ezra is the son of God; and the Christians take their teachers and their monks and the Messiah for Lords beside God, though bidden to worship one God only. Therefore they must be fought with until they pay tribute out of hand. Do the Faithful imagine that the giving of drink to the pilgrims and the visiting of the holy places are actions as meritorious as those performed by him who fighteth for the cause of God? They shall not be held equal with God. Verily, if God had pleased, he might have taken vengeance on the Polytheists without the assistance of the Faithful; but he hath commanded the Moslems to fight his battles in order to prove them. Therefore, wherever they encounter the unbelievers, let them strike off their heads, until they have made a great slaughter of them. But if they shall convert and observe prayer and pay the obligatory alms, then let them go their way, for God is Gracious and Merciful. A fifth part of the spoils taken in war is to be set aside for God and His Prophet and the poor; the rest is to be divided equally among the host.

Such was the character of the Sacred War, enjoined upon the Faithful. It is Muhammad's greatest achievement. The ferocity, the lust and greed of a savage and blood-thirsty people were consecrated by him as the divinely appointed means of winning a world back to a Gracious and Merciful God. It is hard to understand how anyone who knows these facts, and the results they produced and are producing still, can regard Muhammad otherwise than as one of the greatest enemies of humanity that have appeared upon the earth.

I must now ask my readers to return once more to the period when Muhammad was a comparatively powerless fugitive at Medina. In order to gather together in one narrative all that I wished to say on the subject of *jihad*, I have been obliged to omit much that is essential to a right understanding of the Prophet's character.

There were from the outset two parties in Medina strongly opposed to the Prophet. The one of these consisted of Arabs, headed by that Abdallah, son of Obay, who, but for the appearance of Muhammad, would have been elected King of Medina. These are spoken of in the Koran as "the Hypocrites." The other party was made up of the three Jewish tribes. Eternal dissensions, however, rendered it impossible for these two parties to act with the unanimity which characterised the party of the Prophet; and so it happened that they were gradually destroyed in detail, the Jews by expulsion and extermination, the Arabs by gradual absorption into the body of the Faithful, partly from conviction, but more so from a sense of expediency. With the Jews, Muhammad speedily perceived that no common standing ground was possible. They were a perpetual testimony to the falseness of his pretensions. Until they were destroyed he could never be certain of the allegiance of his followers. But only after the victory of Bedr did he consider himself strong enough to take active measures against them. These at first took the form of assassination. A woman and an old man who had been guilty of the atrocious crime of composing satirical verses on the Faithful, were murdered by the order of the benignant Prophet. These crimes struck terror into the community. Muhammad perceived the effect he had caused, and determined to strike more heavily.

The Jewish tribe of Kaynoka numbered 700 men capable of bearing arms. They were jewellers and workers in gold. This tribe the Prophet resolved to plunder and drive into exile. There was a difficulty in the way. He had entered into a solemn league of amity, and the Kaynoka had in no way infringed the conditions of the treaty. A revelation was had recourse to. The Archangel Gabriel informed the Prophet that "the worst beasts truly in the sight of God" were those with whom he had "leagued" himself, and that if he feared treachery from them, he might "fairly" throw back their treaty to them, for "God loveth not the treacherous." Encouraged by this communication, Muhammad demanded of the tribe that they should acknowledge him as Prophet, and receiving a response in the negative, proceeded to besiege their quarter. Abdallah with fatal irresolution took no decisive action in their favour. All communication was cut off; their provisions were soon exhausted; and at the close

of fifteen days they surrendered at discretion. Muhammad resolved to massacre the whole tribe. But Abdallah, at last aroused, interposed with such threatening remonstrances that the Prophet, sorely against his will, was compelled to show some mercy. The Kaynoka were exiled from Medina; their property was seized as a booty by the victors.

The expulsion of the Kaynoka was almost immediately followed by another atrocious murder at the direct instigation of Muhammad. Then, after another brief interval, his vengeance fell upon the Jewish tribe of Nadhir. They, like their brethren, were first deluded by a promise of assistance and then abandoned to their fate by Abdallah and his party. They were expelled like the Kaynoka. A single Jewish tribe, the Bani Koraizha, now remained in Medina. A more terrible fate awaited them.

The army of the Confederates had broken up and retired from the walls of Medina. The sun of that day which shone upon their deliverance had not yet set when the Herald proclaimed:—"The Believers are to perform the afternoon prayer in no other place than in the quarter of the Bani Koraizha, for the Prophet has determined to fight against the Jews." The Moslems seized the weapons they had just laid aside and hastened to obey the summons. It was Muhammad's hope to have taken the Jews by surprise, and slaughtered them at his ease. In this he was disappointed. The Jews were prepared. Their quarter was firmly barricaded, and he was compelled to have recourse to the slower method of reduction by blockade. The Jews made proposals of surrender. They offered to emigrate under the same conditions as their brethren who had previously been expelled. They pleaded piteously that their lives only might be granted to them. The Prophet was inexorable. He was now supreme in Medina. There was no one strong enough to step between him and his victims, and he was resolved to quench the long protracted thirst of his hate in the blood of his enemies. The Jews must surrender at discretion. They knew what this foreboded. The quarter was filled with the wailing of women and children. One of their chief men said to them:—"Either acknowledge the Prophet, or let us kill our wives and children and sally forth and die like men; these are the only alternatives possible." But the Jews, though they could passively endure martyrdom for their faith, could not find in their hearts this desperate energy. Abu Lohaba, an ally and kinsman of theirs, was in the camp of the Moslems. They entreated him to come and advise them. Even the stern heart of the Moslem was touched by the misery he witnessed. But he could give them no hope. He drew his hand across his throat to signify the doom that awaited them. They at last surrendered. The men were condemned to death; the women

and children to slavery. The savage Prophet asserted this to be the judgment of God pronounced on high from beyond the seven mornings. Under the personal direction of Muhammad, deep trenches were dug in the marketplace. Party after party of the wretched Jews, their hands tied behind their backs, were led up to these trenches, forced to kneel by them and beheaded. Their bodies were then flung in and covered over. All day long the bloody work continued, and for some time after the sun had set by the glare of torches. Some six hundred men are said to have been slaughtered. The women and children numbered a thousand. Two hundred of these fell to the share of the Prophet. He sold them in Najd and Syria in exchange for weapons and horses. One Jewess, on account of her beauty, he retained as his concubine.

The expedition against the Jews at Kheibar, which took place a few months after, and their reduction to the state of tributaries to Muhammad, completed the suppression of the Jewish power throughout all Arabia.

The events I have thus briefly related, acted with immense force on the minds of the Faithful. They seemed to confirm all that the Prophet had asserted regarding the apostasy of the Jews and his own inspiration as a present fact independent of the testimony of the Jewish scriptures. The change of the *Kibla* from Jerusalem to Mekka, interpreted by the light of after events, seemed to indicate a miraculous foreknowledge not merely of the heretical incredulity of the Jews, so speedily followed by punishment, but of the triumph of the new faith, the purging of the holy places from the abominations of idolatry and the restoration in Mekka of the true religion of Abraham. For continuously with these events, the sway of Muhammad had extended upon every side. One nomad tribe after another had made confession of Islam, and sent their best soldiers to march under his banner. He was no longer a homeless fugitive dependent for his life upon the hospitality of strangers. He was a powerful prince, who with a word could collect twenty thousand devoted soldiers. He was rich in arms and horses and all the munitions of war. Mekka, it is true, had not yet received back the Prophet she had driven forth. But there was not a man among the Faithful but knew that this was merely a question of time; that the Prophet had but to demand an entrance, and there was no one who would dare to resist him.

Nor was this consummation long delayed. In the month of June A. D. 630, a little less than eight years after his flight, Muhammad at the head of ten thousand men made his entry into Mekka. His bitterest enemy, Abu Tofyan, had yielded and declared himself a Moslem. "The Prophet mounted on his camel, rode seven times round the Kaaba, at each circuit saluting the black stone with the

staff in his hand. Dismounting he entered the temple with these words:—"There is no God but God alone. He has no companion. He has kept his promise, given victory to his servant, and smitten the heathen into flight." The idols round the Kaaba were broken up and cast away. Lat and Manah and Ozza, they and their shrines met with a similar doom. The boundaries of the holy territory were laid down anew; and not a graven image was permitted to remain in Mekka. The triumph of the Prophet was complete. He remained but a fortnight in Mekka, and then resumed his sojourn at Medina.

Two years after this last conquest, the Prophet made the pilgrimage to the holy places. It is known as "the Pilgrimage of Farewell," as Muhammad died a few months after, and has ever since been the type after which all succeeding pilgrimages have been conducted. The pilgrimage is one of the "fire pillars" of Islam, the other four being belief in Allah and the Mission of Muhammad, prayer, almsgiving, and the fast in the month Ramadhan. This last public act, then, of Muhammad's life ought to be given in detail.

The tradition regarding the origin of Mekka and the holy places is this. Abraham had become exceedingly rich and powerful, but he was sore troubled in heart because he had no child. When he married Sara, he had solemnly pledged himself to give her no rival in his love. But Sara, despairing of becoming a mother, herself presented to Abraham her Egyptian slave. Agar became the mother of Ishmael. The extreme joy of Abraham at the birth of this child and the proud airs assumed by Agar had the effect of awakening a bitter feeling of jealousy in the heart of Sara. Abraham perceived that it was necessary to remove out of her sight the objects of her hatred. God, by a special communication, directed him to render this satisfaction to Sara. He brought Agar and her son to Arabia, and guided by divine instructions, conducted them to the spot on which Mekka was afterwards built. It was a desert without water or vegetation. Abraham was affrighted at the awful solitude. But placing his trust in God, he said to Agar, "I leave you here, and remit you to the care of God." "What," cried Agar, clinging to him, "will you abandon a woman and a child to perish in the desert?" "I obey the command of God," replied Abraham. Agar's scanty stock of provisions was soon consumed. She searched in vain for water to quench her thirst and that of her child. In her despair she traversed with hasty paces the space which extends between the two eminences known at present as Safa and Marwa. The young Ishmael, seeing, as he supposed, his mother abandon him, flung himself on the ground in an agony of grief, and beat the earth with his feet. Instantly a spring

bubbled up on the surface. Agar perceived it and was filled with joy. But fearing lest the water should be wasted, and sucked up by the sand, she banked up the earth round it, making a small basin. Muhammadans declare that this is the same spring that feeds the well of Zem Zem to this day.

Ishmael grew up amid a tribe of Amalekites who dwelt near to the miraculous well. When he was seven years old, Abraham, under divine direction, led him to the valley of Mina to offer him as a sacrifice to God. Three times Satan interposed in a human form and attempted to divert the Patriarch from his purpose. His endeavours were unavailing. Abraham drove him off with stones. But as he was on the point of plunging his knife into the bosom of his son, an angel appeared and ordered him, in the name of God, to sacrifice a ram in place of his son.

The model of the Kaaba, according to Muhammadan theologians, was constructed in heaven before the creation of Adam. It was an object of veneration to the angels, and by God's command they made the seven circuits round it precisely in the same manner as the pilgrims do round the Kaaba at Mekka. Adam was the first Moslem. He erected the Kaaba on earth, a perfect facsimile of that which existed in heaven. When the deluge overwhelmed the earth, this building, all but the foundations, was carried up into heaven. These remained hidden in the soil. When Ishmael became a man, he and his father, as usual under divine guidance, dug and re-discovered these primitive foundations. The Kaaba was re-built upon lines laid down by Adam. The Angel Gabriel appeared to Ishmael and presented him with the celebrated black stone, directing him at the same time how to fix it in the walls of the temple. When the temple was finished, Abraham and Ishmael consecrated it to God, and the angel Gabriel taught them the prayers and ceremonies of the pilgrimage. Finally, by the order of God, Abraham ascended the hill of Abu Kubais, in the vicinity of Mekka, and in a voice of thunder addressed this invitation to the human race: "O people! hasten to the House of God!" The voice of the Patriarch was heard through all the dwellings of men, and millions of souls fated to accomplish the pilgrimage returned answer, "We are here, O Lord!" All being now complete, Abraham prepared to return to Syria. His last words to his son were:—"My task is finished. I depart leaving to you this country and this temple of which God has constituted you the guardian."

In the earlier years of his mission, it is probable that Muhammad purposed to alienate his countrymen altogether from Mekka, and make Jerusalem the central point of the new

faith. At least, it is not until his arrival at Medina, the disputes with the Jews and their repudiation of his Prophetic claims, that he lays any special stress on the sanctity of Mekka. With the change of the *Kibla* from Jerusalem to Mekka, this indifference necessarily disappears. The references to the temple become frequent, and the obligation to perform the pilgrimage is repeatedly insisted upon. The first temple, he says, that was founded for mankind is that in Mekka; it is blessed and a guidance to human beings. To accomplish the pilgrimage is a duty which every Moslem is bound to perform once in his life; or should he be "hemmed in with foes," he must send "whatever offering will be easiest." Those only are to be permitted to visit the temples of God who believe in God and the last day, and observe prayer and pay the legal alms and dread none but God. It is not a thing to be permitted for an instant by the true believer that those who join gods with God, and thus become witnesses against themselves, should be permitted to enter the sacred precincts. Vain are their works, and in the fire of hell shall they abide for ever. The pilgrimage is to be made in the months already appointed for that purpose, *viz.*, Shawâl Dhûlkaada, and Dhûlhajja. Whoever undertakes the pilgrimage must keep himself pure from all sin or impurity during that period. The pilgrims may, however, take advantage of the pilgrimage for trading purposes, and "it shall be no crime in them." The ceremonies were in nearly all particulars continued by Muhammad as they had been from time immemorial.

On Saturday, the 22nd February A. D. 632, at midday the Prophet set out from Medina, attended by all his wives and an immense multitude of the Faithful. He had bathed and perfumed himself, and rode at the head of the host mounted on a camel. Wherever the caravan halted, a place of prayer was erected, and the Prophet dismounting made his devotions. On the 2nd March, the host halted at the distance of one day's march from Mekka. The next morning (being the sixth day of Dhûlhajja, or month of the pilgrimage) the Prophet entered Mekka. He circled the Kaaba seven times mounted on his camel, for he was too weak to endure the labour on foot—three times rapidly and four times slowly. Then he kissed the black stone. Then standing on what is called "the stone of Abraham," he prayed a brief prayer to Allah. After which he caused some water to be brought from the well Zem Zem, and drank thereof. Then he performed the seven customary perambulations between Safa and Marwa, repeating the passage in the Koran in which they are mentioned.

Verily, Safa and Marwa are among the monuments of God; whoever then maketh a pilgrimage to the temple or visiteth it, shall not be to blame

if he go round about them both. And as for him who of his own accord doeth what is good—God is Grateful knowing.

The seven perambulations completed, he retired to his own quarters.

On the 8th of Dhúlhajja (Thursday), Muhammad repaired to the valley of Mina, three miles distant from Mekka. Here there were no ceremonies, and here many of the pilgrims first put on the *ihram* or religious garment.

On the 9th, after morning prayer, the multitude headed by the Prophet marched to Arafat, a broad plain at the foot of a hill and known as "the halting place." Arafat lies beyond the sacred territory. The tradition attaching to this place is that when Adam and Eve were cast out of Paradise, Adam fell on the island of Ceylon, and Eve near Jeddo, the port of Mekka. After a separation of two hundred years, Adam on his repentance was conducted by the angel Gabriel to a mountain near Mekka, where he found and knew his wife, the mountain being thence called "Arafat." In the days of darkness, the pilgrims had been divided into two classes—the *Homsites*, or "the Strong," which included the Mekkaners, their nearest relatives and their allies, and the *Hilla*, or "the Unholy." The first class did not visit Arafat, but only led the march as far as the limits of the sacred territory. The *Homsites*, moreover, were permitted during the ceremonies to enter into no tents, in signification of the fact that they were the permanent guardians of inhabitants of the sacred territory. Muhammad put an end to these distinctions. He visited Arafat, though a Mekkaner; a tent stood ready for his reception, and he declared this part of the pilgrimage to be obligatory upon all. He caused the ground to be marked out, and a fixed encamping ground to be allotted to each tribe. At midday he delivered a discourse, in which he expounded the rites and duties required of a pilgrim, and impressed upon the minds of his hearers the absolute obligation all the Faithful were under to accomplish the pilgrimage. Then he proceeded to warn them of the guilt of bloodshedding, of dishonest trading, and more especially of the evil of usury. He quoted those passages in the Koran where this practice is denounced and forbidden. From usury he passed on to the duties which a man owes to his wife; to the laws laid down in the Koran respecting divorce, dowry, inheritance, infidelity to the marriage vow, prohibited degrees; and so, passing from one subject to another, he dwelt upon, expounded and enforced all the laws of Islam, moral and ceremonial. Then the midday prayer was repeated, and the tribes dismissed to their encampments. After sundown, Muhammad remounted his camel and rode to Mozdalifa, a halting place on the way back to Mina. He arrived there at the time of evening

prayer. The traditions note down with loving accuracy the pace at which the Prophet rode—quickly but not at a gallop. The next morning at the same pace he rode to Mina.

The 10th is the great day of the pilgrimage, and Muhammad declared that whoever was in time for the morning prayer of that day must be regarded as having performed the entire pilgrimage. This day in the valley of Mina is the “day of sacrifice,” in perpetual remembrance that Ishmael was here offered to God as a sacrifice by his father Abraham. Three columns mark the scene of this event. Every pilgrim as he passes them flings seven small stones in that direction, in recollection of the stones hurled by the Patriarch at Satan. On this day the victims are sacrificed. The Prophet immolated sixty-three camels,—the number of years that he had lived; his son-in-law, Ali, slaughtered thirty-seven. A portion of one camel was dressed for the Prophet and his household, the rest was distributed among the poorer pilgrims. Then such of the other pilgrims as had brought animals for sacrifice, offered them up also, and the pilgrimage was complete.

The Prophet laid aside his *ihram*, shaved his head, put on his usual festive robes, and permitted Ayesha to incense him and anoint him with perfumes. He then rode to Mekka, made the seven circuits round the Kaaba, traversed seven times the distance between Safa and Marwa, and without dismounting from his camel returned to Mina. There he abode three days. They were days of feasting and buying and selling. The only religious ceremony was the daily casting of the seven small stones. On the third day Muhammad rode back to Mekka, and on the next departed for Medina. “The Pilgrimage of Farewell” was at an end.

Of the three months which elapsed between this pilgrimage and the breaking out of the fever which carried off the Prophet, the Muhammadan chroniclers tell us nothing. On Monday, 25th May, A. D. 632, Muhammad warned the Faithful to prepare for an expedition against the Greeks. On the next day he sent for Osama, the son of his freedman Zaid who had fallen in the disastrous battle of Muta, and said to him :—“I appoint you leader of the army that is collecting; go to that quarter where your father fell in battle, but with such swiftness that you may take the dwellers by surprise. Burn their houses, their fields and their palm-groves.” On Tuesday at midnight he went to the graveyard, and prayed for the blessing of heaven on the members of this expedition. When his prayers were finished, he turned to a friend who had accompanied :—“To night,” he said, “the choice has been given to me of the treasures of this world or of the joys of Paradise; I have chosen the latter.” He returned to the

hut of Ayesha, and complained of a severe headache. From this time his sickness steadily increased upon him. In a short time, he could not (as was his wont) divide his time equally among his wives, but resided altogether in the house of Ayesha. The fever now became so intense that his friends, in the hope of cooling him, poured cold water upon his head from seven vessels at once. The immediate effect was refreshing; and he was able to go to the mosque and mount the Tribune. His first words were a prayer for those who had fallen at Ohod. He then exhorted the soldiers of the Syrian expedition to be faithful and obedient to their commander. "Whoever grieves him," he said, "grieves his father, and a braver soldier than he there was not among the Faithful." But these exertions so exhausted him that on his return to Ayesha's hut he fell into a swoon. His wives dropped into his mouth a preparation of olive oil, Indian aloes and saffron, to recover him. On coming to himself he was very angry, as this preparation was supposed to possess magical properties, and to be in use among those who sold themselves to the devil. His wives, to re-assure him, took each a few drops of the liquid to show that there was nothing noxious in it. When the time for evening prayer came, he was too weak to go to the mosque, and he directed Abu Bekr to officiate in his stead, thereby, it is supposed, intending to indicate that he was to be his successor as the leader of the Faithful.

On Monday, 7th June, A.D. 632, the Prophet ceased to breathe. He expired in the arms of Ayesha. His last words were:—"To the worthiest companions in Paradise."

The character of the Arabian Prophet, as it comes out in his words and acts during his career at Medina, is one for which it is hard to feel aught but contempt, deepening at times to abhorrence. The enthusiastic religious teacher is, as I have already said, superseded by the ambitious and unscrupulous politician, aiming at worldly dominion. To achieve this, he practises assassination, perpetrates massacre, makes a compromise with idolatry (the change, I mean, of the *Kibla* from Jerusalem to Mekka), and delivers to his followers as a decree from God supernaturally revealed, a mandate of universal war. With every advance in power he throws off his early humility, and associates himself on a footing of something like equality with God Himself. The angels, he declared, prayed for blessings upon the head of the Prophet. Disobedience to the Prophet was punished by hell-fire precisely as was disobedience to God. The names of God and His Apostles are invariably linked together as those of beings who have equal claims upon the love and submission of men. The Apostle becomes a creature so exalted that he is raised above obedience to laws that are binding upon the rest of the

Faithful. He may and he does multiply his wives without stint ; he marries within the prohibited degrees. Apologists have tried to make out extenuating circumstances by alleging political reasons in defence of the sensualism which marked the declining years of the Prophet. But Muhammad scorns to have recourse to any such subterfuges. He declare it to be "a peculiar privilege granted to him above the rest of true believers." Apologists, again, have tried to make out that Muhammad is worthy of admiration, because he did apply restraints to polygamy, did in some degree mitigate the horrors of slavery and improve the condition of women. But they forget that by his explicit declaration that all his laws were unchangeable because they were exact transcripts of the Divine thought, he rendered all further improvement impossible. Both by precept and example, he rendered slavery, polygamy and concubinage not merely perpetual, but conditions of society ordained by God and therefore sacred from change. This finality, which is stamped on every word and precept of the Muhammadan's creed, was the germ of corruption which has now leavened the whole world of Islam. Springing up and attaining the utmost perfection of which it is capable in the barbarous social environment of an Arab tribe, the condition of Arabia at the present day is a proof that Islam is incapable of elevating a people to any higher level. Such as they were when the Prophet lived, such are the Arabs now. Where, as in Moorish Spain, it has seemed to bear blossom and fruitage of a fairer character, the appearance has been delusive. The blossom and the fruitage were due to influences alien to Islam,—in the instance alluded to, to the intimate contact with Jewish and Christian thought, for when the Moors were driven back into Northern Africa, all that blossom and fruitage withered away never to return, and Northern Africa sunk into the intellectual darkness and political anarchy in which it lies at the present time. What was true of the Muhammadan empire in Spain, is equally true of Muhammadan kingdoms everywhere. They have never put forth powers of life and development from within. Rather they have carried in themselves the cancer which has defied all attempts from without to obstruct its ravages. That cancer is Islam. And until it is cut out, all attempts to redeem the Muhammadan world from barbarism, misrule and social corruption, are labour thrown away. No permanent dwelling-place can be erected on a foundation of sand ; and no lasting or progressive polity upon a foundation of fatalism, despotism, polygamy and slavery.

R. D. OSBORN.

ART. III.—ON CONTRACT ;
AN ESSAY TOWARDS A POPULAR INTRODUCTION TO THE
INDIAN CONTRACT ACT OF 1872.

BY JNO. G. W. SYKES, LL. B., BARRISTER-AT-LAW.

Quid enim tam congruum fidei humanæ, quam ea quæ inter eos placuerunt servare.

ULPIANUS.

The peculiar characteristic, in short, of civilized beings, is the capacity of co-operation ; and this, like other faculties, tends to improve by practice and becomes capable of assuming a constantly wider sphere of action.

JOHN STUART MILL.

THE words of the great luminary of Roman Law that we have placed at the head of our remarks, must be regarded either as a mere rhetorical bravura of much the same character as his definitions of justice and jurisprudence, or as the display of a very common error, that, namely, of attributing to other ages the morality of our own times, and "of supposing that every wheel and bolt of the modern social machine had its counterpart in more rudimentary societies." Ulpian's words may be rendered literally :—"For what is so concordant with human honesty as that men should observe those things which they have resolved on together !" The lawyer in this passage has entered into speculative fields and arrived at conclusions very different from those to which history would have led him. He has reflected back upon ages long gone by before his day his own lofty view of good faith and honesty—

Only the tract where he sails
He wots of ; only the thoughts
Raised by the objects he passes are his.*

Neither in the time of Ulpian, nor before, nor since, have his words been more than the mere expression of an aspiration, and so long as man is man, the ideal they set forth can only be an aim.

Now it has become necessary that men in all civilized societies, indeed, in almost all societies of which we know anything, should show more or less honesty in their dealings with their fellows, and should in some degree frame their conduct in accordance with their agreements. But this was not always the case. So far from the view contained in Ulpian's words representing the conceptions and regulating the conduct of early man, as

* Matthew Arnold's Poems.

Mr. Hutton writes, "Honesty must certainly have been associated by our ancestors with many unhappy as well as many happy consequences."* It has been more than once remarked that Homer endeavours to engage our admiration for the crafty Ulysses simply on account of his deceitful conduct.† Hence there was nothing very concordant with the honesty of early times in a man's acting up to his word. But whilst, as Mr. Hutton says, honesty on their own part was associated by our ancestors with many unhappy as well as many happy consequences, honesty on the part of others could have only happy results. As soon as transactions were entered into between the heads of families, on behalf of their respective families, it manifestly became the interest of each that the other should be honest. Any failure in this respect would naturally be condemned by the sufferer.‡

Let us try to investigate as shortly as possible the rise and growth of these feelings. Sir H. S. Maine says in the chapter of *Ancient Law* devoted to the early history of contract, to which we shall constantly refer, that, "Neither Ancient Law nor any other source of evidence discloses to us society entirely destitute of the conception of contract."§ But this seems incorrect. The truth is, not only that, as Sir Henry Maine himself writes, "anciently, the power of contracting is limited on all sides; it is limited by the rights of your family; by the rights of your distant kinsmen; by the rights of your co-villagers; by the rights of your tribe; by the rights of your chief, and, if you contract adversely to the Church, by the rights of the Church,"|| so that, the early system, as he elsewhere says, "leaves the very smallest room for contract;" but in the early stages of the evolution of the race there is no place at all for contract or for good faith and honesty. Taking Scriptural accounts, which form "one chief security against speculative delusion,"¶ but attaching to them merely historical value, we are brought face to face with a condition in which we cannot conceive of the existence of contract. "The grand old gardener and his wife"

* Macmillan's Magazine, 1869, p. 271.

† "In the Homeric literature, for instance, the deceitful cunning of Ulysses appears as a virtue of the same rank with the prudence of Nestor and the gallantry of Achilles." (Maine's *Ancient Law*, pp. 312-3). But cf. Sir John Lubbock on this point:—"I cannot believe, for instance, that theft and murder have ever been really regarded as virtues. In a barbarous state they were no doubt means of distinction, and in the absence of moral feelings were regarded

with no reprobation. I cannot, however, suppose that they could be considered as 'right,' though they might give rise to a feeling of respect and even of admiration. So the Greeks regarded the duplicity of Ulysses as an element in his greatness, but surely not as virtue in itself." (*Origin of Civilization*, p. 308).

‡ *Origin of Civilization*, p. 310.

§ *Ancient Law*, p. 312.

|| *Early History of Institutions*, pp. 57-58.

¶ *Ancient Law*, p. 90.

would have made a strange pair of contractors. Then it was "man's to command and woman's to obey," and in this circumstance there could be no consent, nor contract, nor was there any need of it. This utter absence of the contractual relation must have existed with small modifications during a long period of time. We shall see that the institution of the Roman *familia* kept up something of this nature of things in the Roman State. The ancient family was in its own nature self-sufficing. The hands available in each ancient family were sufficient to provide for its ordinary wants, and the *patria potestas* or parental authority, which regulated the ancient family, was a sufficient guarantee that the hands of each member of the society contributed their fair quota to the family stock. To realize the early conceptions of contract, we must go back to this patriarchal age. The wants of the ancient family were not numerous; food and clothing,* a shelter from the sun and rain, and a place for repose after the labours of the day were done, a rough shelter and a heather bed, a skin of some animal caught in the chase, and milk, fruits and flesh, and such other provisions as the kindly earth unploughed and the family flocks and herds afforded, would satisfy the unsophisticated men of old.

But in those days as in these "men and women married and were given in marriage." The system of endogamy or 'marrying in,' as it is called, was early seen to be disadvantageous. Whatever agreements were entered into were made by the head of the family,† and, we think, the first agreements ever concluded were those when the heads of two families arranged a marriage for their respective children, or the head of one family purchased from the head of another family a marriageable daughter. So when the mighty Manoah's son "saw a woman of Timnath, of the daughters of the Philistines," he followed what seems even then to have been the usual course in not arranging his own marriage, but in asking his father and mother "to get her for him to wife, for she pleased him well"—for about the space of a fortnight.‡ Describing the Kandhs, Dr. Hunter writes:—"Intermarriage goes on independent of peace and war, the belligerent clans suspending their conflict in order to partake together the wedding feast, and renewing the fight next day with perfect ferocity and good temper. A Kandh boy marries when he reaches his tenth or twelfth year. His wife is usually about four years older or about fifteen. The bridegroom's father pays a price for the bride, and she remains almost as a servant in her

* When, indeed, the stage of civilization requiring clothing was reached; for, as Humboldt tells us, some Indian tribes very much dislike any clothing. (*Travels*, vol. i., p. 305,

vol. iii., p. 75.)

† Sir John Lubbock, *Origin of Civilization*, p. 308. Sir H. S. Maine's *Ancient Law*, chap. 5-9.

‡ *Judges*, chap. xiv.

father-in-law's house until her boy-husband reaches a fit age for the consummation of the marriage and for bearing his own part in the world." Further on he adds:—" 'In the superior age of the bride,' writes Macpherson, 'is seen a proof of the supremacy of the parental authority amongst this singular people. The parents obtain the wives of their sons during their boyhood, as very valuable domestic servants, and their selections are avowedly made with a view to utility in this character.'"^{*} Authorities might be greatly multiplied. Of the concomitant circumstances attending this class of agreement in its earliest stages we have but scanty information; † later, the idea of capture and resistance seems always to enter into it. But when we consider that men in all times have resisted the seizure of the females of their family or tribe, of which history affords us noticeable instances, we cannot think that any father would undergo the certainty of rupture with a neighbouring family and the risk of possible loss to procure a wife for his son or the tribe, however much he might want her services as spinster and milkmaid, and however much his ambitious soul might long for an increase of his parental power. We think, then, that marriage by consent—not the consent of the parties themselves, but that of their respective fathers on their behalf—was probably the earliest class of agreement, and that marriage by consent thus preceded marriage by capture.

In this view we are, to some extent, at variance with the more recent writers on this subject. Sir John Lubbock says: "On the contrary, I believe, that exogamy arose from marriage by capture, not marriage by capture from exogamy—that capture and capture alone could give a man the right to monopolise a woman, to the exclusion of his fellow clansmen."[†] Mr. Jeaffreson, too, in his charming but too lengthy book on *Brides and Bridals* makes marriage by capture precede marriage by purchase, which is exactly the form of marriage which we not only place as the first form of that relationship, but also as the first class of agreements. Mr. McLennan also holds the contrary view. He thinks that exogamy must have begun very early, indeed he places it before endogamy.[§] He thinks exogamy led to the practice of marriage by capture,^{||} as it may have done in somewhat advanced times.

^{*} *Orissa*, vol. ii, pp. 81—83.

[†] Perhaps there were none. Mr. O. H. Brooke, Extra Assistant Superintendent in charge of the Nicobars, writes that with the Nicobarees "the marriage tie is purely a commercial transaction. There is no religious form to be gone through, no feast, no rejoicing; the woman is bought just as one would barter for

cocoanuts." (Report of the Administration of the Andaman and Nicobar Islands, and the Penal Settlements of Port Blair, and the Nicobars for the year 1873-74, Calcutta: Office of Superintendent of Government Printing, 1874, p. 51, para. 45.)

[‡] *Origin of Civilization*, p. 83.

[§] *Primitive Marriage*, p. 145.

^{||} *Idem*, p. 140.

In the view we have advanced, however, there is nothing at all contrary to that view of careful enquirers who consider the initial stage of the family relationship to have been one of hetairism or communal marriage.*

On the history of marriage much has been written, and the subject has been admirably treated by the writers to whom reference has been made. To trace out the separation of the distinct and essential elements of consent and promise of the parties to the marriage, given according to certain prescribed formalities, as involved in modern matrimonial contracts, would be by no means unsuited for considerations on the philosophy of contract. Our space, however, forbids our entering upon it further. We have mentioned the subject as supplying the first step in the history of contract. The wife was generally purchased by the father of the family for so many head of cattle; † and we are informed by recent residents at the Cape that the practice is to be seen constantly amongst the Kafirs, a fine woman exchanging for from three to six oxen. One noticeable point is that this was simply a form of barter or exchange. During a long period of time the only form of contract was exchange. This form of agreement was not merely the result of the absence of a medium of circulation, but must similarly have existed had savage races in early times had money ready to hand. The mind of an infant in a civilized community may serve as an index—we do not say a perfect index, but still an index—to the mind of the grown savage. Now, what is the very first form of agreement of which the infant mind takes hold, and beyond which it does not ordinarily pass for some years? It is that of exchange. Allow that you object to the crying of a child and to an infant's unhappiness; how then do you proceed, for instance, to take from a child a dangerous instrument of which it may have possessed itself? If you do not snatch it ruthlessly from the child, do you not bargain for its release by an exchange? You give the child some toy or

* *Origin of Civilization*, p. 81.

† Writing of the Kafirs, the Rev. H. Dugmore says, 'As cattle constitute the sole wealth of the people, so they are their only medium of such transactions as involve exchange, payment or reward.'—'His (the chief's) retinue, court, or whatever it is to be called, consists of men from all parts of the tribe, the young, the clever and the brave, who come to do court service for a time that they may obtain cattle to furnish them

with the means of procuring wives, arms or other objects of desire.' (Compendium of Kafir Laws and Customs, p. 27, quoted in Sir H. S. Maine's *Early History of Institutions*, p. 143.)

"Salt is a highly prized rarity with the Negroes, two small wicker hampers of it being in some places the price of a wife." (Hon'ble Mrs. Norton's *A Residence at Sierra Leone*, London, John Murray, 1849, p. 202.)

bauble near at hand, and you take the dangerous instrument away in quietness.

This is very much the state of uncivilized man. You give him something on the spot which he wants for something which he does not want or wants less, and he is satisfied to enter into an exchange and effect a barter. From Sir Emerson Tennent's interesting account of the "Gallas" we learn that "Such is the aversion of this untamed race to any intercourse with civilized life that, when in want of the rude implements essential to their savage economy, they repair by night to the nearest village on the confines of their hunting-fields, and indicating by well-understood signs and models the number and form of the articles required, whether arrow-heads, hatchets or cloths, they deposit an equivalent portion of dried deer's flesh or honey near the door of the dealer and retire unseen to the jungles, returning by stealth within a reasonable time to carry away the manufactured articles which they find placed at the same spot in exchange.*" This singular custom has been described by numerous writers on Ceylon, without the least variation, and dates back to very remote times; as may be seen from the authorities collected by Sir Emerson Tennent.† But offer the savage money *as money*,‡ *i. e.*, as representing the power of purchasing the article he wants, and he will not close with the offer or effect the exchange. And why? The reason seems to be that where money is introduced, two contracts are substituted for one contract. Instead of A being given for B, A is given for money; B is given for the same money. The party to whom money is given to get what he wants, has to go through two transactions, and in going through the first has to exercise a faculty of faith or expectation§ in his ability to procure with the money he receives for A, the article B

* *Ceylon*, vol. i., p. 592, 4th Edition.

† *Idem*, pp. 592-5.

‡ In his report on the Nicobars already referred to Mr. O. H. Brooke writes, "Money is of little use to these people and it is generally melted down and made into ornaments for the wrists and ankles." (Report, p. 52, para. 52.)

§ Since writing the above passage, we have found that we were unconsciously following a writer of great authority. Dr. Thomas Brown writes: "A contract is truly, in its moral operation, such a transfer of the future for the *present*, or of some future object which we value *less* for a future object which we value *more*.

Its effect is to free us in a great measure from the influence of time, as far as our mere commerce is concerned,—to render everything which our power, in any moment of our life, may command, present, as it were, at the very hour in which we make our *purchase*,—enabling us thus to form, of all the property we are ever to possess, and of all the energies which we are ever to be capable of exerting, one great fund, which we may employ with equal and ready command, for all the purposes that seem to us, at any one moment, most essential to our happiness." (*Lectures on the Philosophy of the Human Mind*, vol. iv., pp. 350-1.)

which he wants more than he wanted A. And this faculty it is which the child and, we think, the grown savage has not. Thus with all its drawbacks, which, however, are less and fewer in uncivilized than in civilized societies, the absence of a circulating medium is perpetuated.

To verify this picture and to show that it is a substantially correct account of the matter we may refer to observations taken within quite recent times. Thus Sir Emerson Tennent tells us, in his excellent work on Ceylon already referred to:—"Upon trade the natives appear to have looked at all times with indifference. Other nations, both of the east and west of Ceylon, made the Island their halting-place and emporium; the Chinese brought thither the wares destined for the countries beyond the Euphrates, and the Arabians and Persians met them with their products in exchange; but the Singalese appear to have been uninterested spectators of this busy traffic, in which they can hardly be said to have taken any share." He adds elsewhere, "No Singalese money has yet been discovered of a date anterior to the eleventh century.*" So Dr. Hunter tells us:—"Thirty years ago a true Kandh husbandman knew nothing about money, and detested trade of every sort. Even the primitive shell currency had not reached his village; and instead of a metal coinage he reckoned the value of articles in '*lives*.' As these '*lives*' might be either sheep or oxen or even inanimate articles such as rice or pease, any traffic by actual barter involved very complicated calculations amongst the Kandhs.†"

The difficulty which savages have in calculating or even counting is well known.‡ Some, we believe, can only count as far as three with the aid of their fingers and cannot at all get beyond that number. From the accounts of travellers we find the power vary. No better statement of this peculiarity will be found than that of Von Humboldt, in his account of the Chaymas.§ He says, "The Chaymas are very dull in comprehending anything relating to numerical facts. I never knew one of these people who might not have been made to say he was either eighteen or sixty years of age. Mr. Marsden observed the same peculiarity in the Malays of Sumatra, though they have been civilized more than five centuries. The Chayma language contains words which express pretty large numbers, yet few Indians know how to apply them; and having felt, from their intercourse with the Missionaries, the necessity of so doing, the more intelligent among them count in Spanish, but apparently with great effort of mind,

* *Ceylon*, vol. i., pp. 440—462.

† *Orissa*, vol. ii., p. 89.

‡ Numerous authorities and references on this subject will be found

collected in the seventh chapter of Tylor's *Primitive Culture*.

§ *Travels* (Bohn's Edition), vol. i., p. 311.

as far as thirty or perhaps fifty. The same persons, however, cannot count in the Chayma language beyond five or six. It is natural that they should employ in preference the words of a language in which they have been taught the series of units and tens." This absence of the power of calculating is a further reason for savages continuing without a circulating medium of value in exchange; and probably the detestation by the Kandhs of trade of every sort is the result of their system of counting by 'lives' being such as to lead them into abstruse calculations which they are incapable of solving. For these reasons; first, that the introduction of money calls for the exercise of faith and expectation; and, second, that it leads to numerical calculations of varying abstruseness, but ordinarily beyond the power of the savage to solve; each of which processes is a looking at the abstract, and, as we shall hereafter see, not natural to uncivilized man, it seems that it was not only possible but agreeable to the condition of primitive peoples that their relations with one another should be carried on without a circulating medium. With them, as we have seen,

- the occasions on which there is a necessity to contract are few. But when the scene is changed and we are brought in view of more advanced races, the sphere of contract is enlarged, till the inconveniences of barter become so great, that, in Mr. Mill's words, "without some more commodious means of effecting exchanges, the division of employments could hardly have been carried to any considerable extent. A tailor having nothing but coats, might starve before he could find any person having bread to sell who wanted a coat: besides, he would not want as much bread at a time as a coat would be worth, and the coat could not be divided. Every person, therefore, would at all times hasten to dispose of his commodity in exchange for anything which, though it might not be fitted to his own immediate wants, was in great and general demand and easily divisible, so that he might be sure of being able to purchase with it whatever was offered for sale. The thing which people would select to keep by them for making purchases, must be one which, besides being divisible and generally desired, does not deteriorate by keeping."* Different materials have been used as money, as gold, silver, copper, iron, tin, lead, leather, wood and shells, and when a coinage becomes settled it will be found that whatever the material in use as a currency may be, its purchasing power is nearly equal to the value of the labour bestowed on its production. Whether as coin or only as rough ingots of copper, the introduction of a circulating medium made the progress of contract possible. Without its introduction it is difficult to see how the views of contract which are essential to the existence of the modern social state, could ever have arisen.

* Mill's *Political Economy*, Bk. III., chap. 7. 1.

We think, then, that it is greatly to be regretted that Sir Henry Maine, who is so thoroughly fitted for the examination of this portion of the history of contract, has passed it over without the smallest recognition of the importance of the change thus produced. It is true the rough ingots weighed out in the contract *per æs et libram* which he so well describes, were not coin. To coin two things are essential, the *material* and the *stamp*—the former giving it the reality of value, the latter its assurance. But though the copper weighed out was not coin, it was a medium of circulation, and as such for our purpose exactly in the same position as if it had been current coin of the Roman State. Further back in the history of contract than the time when this was in use under the provisions of XII Tables, Sir Henry Maine does not even attempt to go. No doubt the materials for such an attempt are obscure by comparison with those available for the history of contract after that date; but we think Sir Henry Maine could have read them into meaning, giving them consistency and coherence, and we are sure that by such a course he would have added to the value of those enquiries which we have in the ninth chapter of *Ancient Law*. The preceding remarks are intended to supply, in some small measure and so far as the limits we have set to ourselves in this paper allow, what we have felt to be a want in that great jurist's investigations.

We have now got so far in our enquiry that the ideas we have last glanced at are synchronous with those of the Roman Law of the Twelve Tables, and we are in a position to follow Sir Henry Maine, M. Ortolan and others, in the picture they draw of the development of contract amongst the Romans.

Leaving all other nations almost entirely out of our consideration, we shall thus be brought rapidly up to the highly-developed ideas of our own day. The Law of Contract is of the Roman Law that part which of all others has preserved its integrity in the jurisprudence of many nations with less change than any other. The reason for this difference, says a very learned writer,* must be sought in the fact of the law of personal obligations being less affected than other parts of a legal system by forms of administration. In its nature it is more abstract than other branches of the law, and its construction is on a basis purely logical, with a view to its generalization among all nations of the habitable globe, to which the commerce of ancient Rome and of the more modern Byzantium extended.

Tradition presents the Roman people to us as a compound *populus Romanus Quiritesque*, and gives us the famous picture of the rape of the Sabine women. *Quirites* was the sacred name of

* Dr. Coloquhoun, *Summary of the Roman Civil Law*, Tit. XVIII, § 1502.

the Sabines, derived from that of *Curis* or *Quiris*, the goddess of the spear, to whom they used to sacrifice. The Romans and the Quirites were the men of the spear. To the spear they owed all they had. It was to them the indication of ownership and even passed as a symbol into their judicial procedure. The spear, that is to say, the warrior's might, was to them the chief means of acquiring property and power.* But whilst the spear was the symbol of primitive acquisition by struggles and by violence, a very remarkable civil form presents itself and plays a very important part in the private relations to bring about a quiet and peaceable transfer of property and power. This is the ceremony by the copper and the scales (*per æs et libram*) called indifferently *nexum* or *mancipium*, and later *mancipatio*. As we have already suggested, the ceremony belonged to an age when in exchange the metal was still weighed. A *libripens*, accompanied by five citizens who are to act as witnesses, bears the scales. The rough ingots are given and weighed. The words of the *mancipium* are pronounced, and the power (*manus*) is transferred from one party to the other.†

This was the state of things in which the Decemvirs undertook, perhaps, the most celebrated piece of legislation known to the world—the Law of the Twelve Tables. The Decemviral Law was completed in the year of Rome 305, or, to state it roughly, about 450 B. C. The first provision of the Sixth Table of that law which was concerned with *Dominium* and *Possessio*, was as follows:—*Quum nexum faciet mancipiumque, uti lingua nuncupassit, ita jus esto*; ‡ whilst we learn from Cicero that the same table provided a penalty *in duplum* for the party to the *nexum* or *mancipium* who denied the words made use of.§

Originally no doubt this form of conveyance and contract applied to all property of which the Roman citizen knew anything or cared at all. Ownership at this period, as indeed for long years after, was either the perfect and absolute ownership of the old civil law of Rome (*dominium ex jure Quiritium*) or it was none at all. Ownership of property held according to Quiritarian Law could, of course, only be transferred according to the forms of conveyance required by that law. There can be no doubt that in early times all ownership at Rome was of this nature, and all things *res Mancipi*. We know from a passage in the *Fragmenta Ulpiani*|| what things were *res Mancipi*; and the account agrees with that given by Gaius.¶ They were *prædia in Italico solo*,

* Ortolan's Commentary, vol. I, The words are taken from Festus, pp. 13-42. § *De Officiis*, Lib., III, 16,

† Gaii Com., I, § 119; II, §§. 22-

27. Ortolan's Com., vol. I, p. 83.

‡ Ortolan's Com., vol. I, p. 110.

|| Frag. XIX.

¶ Gaii Com., I, § 120.

whether in the country or in the city, servitudes or easements over *prædia* in the country, slaves, and fourfooted animals tamed and made subservient to the use of man, as horses, oxen, mules and asses. The list is evidently a list of the possessions of an early agricultural community;* and there can be small doubt that it represented an exhaustive catalogue of the wealth of such a community. If we employ the spirited language of M. Ortolan, we should say:—"La terre romaine, les hommes et les animaux asservis aux travaux humains, voilà donc les choses *mancipi*. Pour le chef de famille primitif, son champ quiritaire, avec la maison qui s'incorpore et les servitudes rurales qui s'identifient avec ce champ; la femme, les enfants, les hommes soumis à sa puissance et les animaux asservis à ses travaux, voilà les choses *mancipi*; les choses dont l'individualité est adhérente avec la sienne; qui sont en même temps, à ces époques primitives, les plus précieuses en valeur; qui ne pourront se séparer de lui par la simple tradition; auxquelles s'appliquera exclusivement l'acte sacramental de la mancipation."† We know, however, that this list did not continue to represent the entire wealth of a Roman. As Mr. Ortolan says in continuation, "La civilisation viendra; les arts, le luxe envahiront la cité; des richesses inconnues composeront les fortunes; des animaux étrangers seront soumis à la charge ou au trait (*elephanti et cameli, quamvis dorso collovo domentur*): les choses *mancipi* n'augmenteront pas en nombre. Caractérisées par le vieux droit romain, elles ne changeront plus."

This is the whole secret of the growth of the famous distinction between *res Mancipi* and *res nec Mancipi*. Property sprang up in other articles and was capable of a different mode of transfer. Whilst in the case of *res Mancipi* agreement of the parties and delivery were not sufficient to transfer the ownership, delivery was all that was required to pass the ownership in the case of *res nec Mancipi*. As Gaius writes, "*Nam res nec Mancipi nuda traditione ad alium transferri possunt, si modo corporales sunt et ob id recipiunt traditionem.*"‡ In a valuable marginal note on this subject, in his copy of Gaius, Austin says:—"The difference assigned by Gaius, is a difference of properties or accidents; that is, a difference between the modes in which things of these sorts were respectively aliened or conveyed. That difference between the two classes which was the cause or source, is not even adverted to."§ This note involves the point on which we have been insisting; that the *rationale* of the distinction between these two classes of objects is purely historical, resting upon the simple fact that there was a time in the history of

* *Ancient Law*, p. 277.

† *Com.*, vol. I, pp. 134-5.

‡ *Com.*, II, § 19.

§ *Works*, vol. ii, p. 811.

Roman Law when the form of *nexum* or *mancipium* was the only one of transferring property at Rome, and that the one class embraced all articles of wealth in that stage of Roman history. All this Sir Henry Maine has stated with an admirable and fascinating clearness. He says:—"The lawyers of all systems have spared no pains in striving to refer these classifications" (of which this is one) "to some intelligible principle; but the reasons for the severance must ever be vainly sought for in the philosophy of law: they belong not to its philosophy, but to its history. The explanation which appears to cover the greatest number of instances is, that the objects of enjoyment honoured above the rest were the forms of property known first and earliest to each particular community, and dignified therefore emphatically with the designation of *property*. On the other hand the articles not enumerated among the favoured objects seem to have been placed on a lower standing, because the knowledge of their value was posterior to the epoch at which the catalogue of superior property was settled."* Now had the *rationale* of the distinction been kept in mind by Sir Henry Maine, we can hardly think he would have written as he has done in his recent work on the 'Early History of Institutions' on this subject of *res mancipi*. Throughout the sixth chapter of that work he lays great stress on the importance of oxen to primitive peoples, and uses this in some way to account for their being placed in the class of *res mancipi*. Indeed, Sir Henry Maine seems to think that their importance having been recognised, they were deliberately placed in the class in order to preserve them. Thus he writes:—"The next stage, however, in the history of cattle is that at which their service to mankind is greatest. They are now valued chiefly, in some communities exclusively, for their use in tillage, for their labour and their manure. Their place has been taken very generally in western Europe by horses as beasts of plough, but the change was even there both gradual and comparatively modern, and there are still large portions of the world where the horse is exclusively employed, as it seems everywhere to have been at one time, for war, for pleasure, or the chase. Oxen were thus almost the sole representatives of what a political economist would now call capital applied to land. I think it probable that the economical causes which led to the disuse of oxen as a medium of exchange, led also to the change in their legal position which we find to have taken place at Rome and in India. The sanctification of the ox among the Hindoos, rendering his flesh unlawful as food, must certainly have been connected with the desire to preserve him for tillage,

* *Ancient Law*, pp. 274-5.

and his elevation to a place among the *res Mancipi* may well have been supposed to have the same tendency, since it made his alienation extremely difficult, and must have greatly embarrassed his employment in exchange.* No doubt, oxen were of importance as being one of the chief objects of wealth in that early stage of society and amongst an agricultural people. But, as we have seen, it was utterly repugnant to the ideas of the Roman people that there should be any "elevation" of one set of articles to the rank of *res Mancipi*. From the very first they were a fixed list. In Sir Henry Maine's own forcible terms, "the list of *res Mancipi* was irrevocably closed;"† whilst every fresh conquest of man over material nature added an item to the *res nec Mancipi* or effected an improvement in those already recognised.

There is nothing whatever in the fragments of the XII Tables which have come down to us to indicate that at that time the contract *verbis*, still less the contract *litteris*, was in existence; and there can be no doubt that at this period no ordinary contract could be entered into without the ceremony *per æs et libram*.‡

Originally *nexum* was both a contract and a conveyance. There was the delivery in solemn form, on the one hand, of the ingots of copper, and on the other of the article contracted for, and there was the *nuncupatio*, or the words of the contract which bound the party making use of them, and the denial of which subjected him to a penalty *in duplum*. Now it is perhaps hardly correct to say that the definition of *nexum* given by Manilius, *viz.*, *omne quod geritur per æs et libram*,—"every transaction with the copper and the scales"—"appears to confound contracts and conveyances, which in the philosophy of jurisprudence are not simply kept apart but are actually opposed to each other."§ The fact is really this: the one could not exist without the other. Looking at the matter in this way, Mucius Scævola has defined *nexum* as, *quæ per æs et libram fiunt ut obligentur, præter quæ Mancipio dentur*. The contract by the *nexum* was so far an advance upon direct barter of present objects for present objects that it substituted for one object a metallic medium of circulation; but it was no advance whatever upon such direct barter in that the present object was given for the present copper then and there weighed out. That stage had not been passed. The state of civilization which required the cumbrous ceremony of *Mancipium* was not one favourable to

* *Early History of Institutions*, pp. 149-150.

† *Ancient Law*, p. 278.

‡ Ortolan's *Com.*, vol. I p. 163.

The form was even used in the contracts of *depositum* and *pignus*.

Gaii *Com* I. §. 122, I § 69.

§ *Ancient Law*, p. 315.

the existence of a contract for the present transfer of one thing in consideration of the future transfer of another. The same state of mental culture which prevented the existence of the one required the aid of the other. We think then that Sir Henry Maine, in making the cumbrous ceremonies attending a contract in early times depend upon the fact that the contracting parties, being the heads of families contracting on behalf of their respective families, stood in the same relation to one another as modern nations or states,* has gone far to seek for a reason. We think that could men be found in a corresponding state of civilization, contracting as individuals, the same amount of rite and ceremony would enter into their contracts. The reason for so much solemnity seems to be that the savage and uncivilized mind, like that of a young child, is unable to deal with abstractions. A young child cannot conceive of distance and space; and it is, probably, not before his tenth or twelfth year that he grasps the idea of his own individuality. At all events, as the Laureate sings—

The baby new to earth and sky,
What time his tender palm is prest
Against the circle of the breast,
Has never thought that "this is I."

But as he grows he gathers much,
And learns the use of "I" and "me,"
And finds "I am not what I see,
And other than the things I touch."

So rounds he to a separate mind,
From whence clear memory may begin,
As thro' the frame that binds him in,
His isolation grows defined.†

As with the child, so with the grown savage. An abstract idea is too advanced for him. He cannot conceive of the idea of consent or agreement in entering into his contract, and must have something concrete to aid him. Speaking of the Ahts (N. W. America), Mr. Sproat says:—"The native mind, to an educated man, seems generally to be asleep; and if you suddenly ask a novel question, you have to repeat it, while the mind of the savage is awaking, and to speak with emphasis until he has quite got your meaning. This may partly arise from the questioner's imperfect knowledge of the language; still, I think, not entirely, as the savage may be observed occasionally to become forgetful when voluntarily communicating information. On his attention being fully aroused, he often shows much quickness in reply and

* *Ancient Law*, p. 271.

† *In Memoriam*, Canto 44.

ingenuity in argument. But a short conversation wearies him, particularly if questions are asked which require efforts of thought or memory on his part. The mind of the savage then appears to rock to and fro out of mere weakness, and he tells lies and talks nonsense.* So Sir John Lubbock writes :—"Such ideas" (as where the sun went at night) "are in fact entirely beyond the mental range of the lower savages, whose extreme mental inferiority we have much difficulty in realizing."† When the consent involved in contract is clothed in a ceremonious form, when the *libripens* and the five witnesses are present and the contract *per æs et libram* gone through, the Roman mind in the stage in which the provisions of the Quiritarian Law were enough for it, can grasp some idea of agreement. The same ceremoniousness pervades not only the department of contract, but many of the departments of early law, and the solemnities observed are, as a rule, connected with the people's religion, as, for instance, the ceremony of the *sacramentum* in the Roman system of procedure by *legis actiones*. These cumbrous ceremonies, thus required by the mental condition of the people amongst whom they have had place, served no doubt when annexed to contracts to provide evidence of the existence and purport of the contract in case of dispute, and thoroughly to impress the business on the memory of all who took part in it; and, secondly, to prevent inconsiderate engagements.‡ Whilst the attendance of the *libripens* and the five witnesses was being procured, time was given for consideration; and when they were brought to the spot, every separate act was fitted to strike the mind of the contracting parties and place vividly before them what they were about.

In that stage of the history of Roman law in which no ordinary contract could be entered into except by the ceremony *per æs et libram*, what the law supported was not a promise given and accepted, but such a promise accompanied with the prescribed formalities and solemnities. "Not only are the formalities of equal importance with the promise itself, but they are, if anything, of even greater importance. No contract is enforced if a single form be omitted or misplaced, but on the other hand, if the forms can be shown to have been accurately proceeded with, it is of no avail to plead that the promise was made under duress or deception." § But when property sprang up in *res nec mancipi*, simple delivery was enough, and in these cases the contract could be formed *re*, or by the thing, as it was said.

* *Scenes and studies of savage life*, p. 120.

† *Origin of Civilization*, p. 8.

‡ *Ancient Law*, p. 271. Austin, vol. 11, p. 940.

§ *Ancient Law*, p. 313. Cicero de officiis Lib 111, 16. "nam cum ex XII Tabulis satis esset ea prostare, quæ essent lingua nuncupata," &c.

If this be so, the order in which Sir Henry Maine places the various forms of contract known to Roman law, is only in one sense correct. For, though he is right in saying that the forms of contract marking the lopping off of the ceremony of the *nexum* undoubtedly follow in the order of the verbal, the literal, the real and the consensual, it is hardly correct to say that "the verbal contract was the most ancient of the four." * The form of contract for things *nec Mancipii* was the real; and property in *res nec Mancipii* sprang up long before we have any mention of the contract *verbis*. †

As soon as a settled coinage came into use at Rome, the metal as much as before giving reality of value, and the stamp as great assurance as if that metal had there and then passed through the hands of the *libripens*, we should expect that character, who had played so important a part hitherto, to disappear from the scene and retire behind the curtain for ever. For not easily does man retrace his steps along the road which he has travelled over in the race of civilization. And this was what really occurred. The words of the *nuncupatio* alone were retained, and on their being rightly pronounced the *obligatio* or *vinculum juris* sprang up *eo instanti* and *ipso facto*.

The next step in the history of Roman contract was when the form of words required in the contract *verbis* was dispensed with on the condition of the contract *litteris* being duly performed. A contract was formed *litteris* when it originated in an entry made in the domestic account books of the creditor with the consent of the debtor. The duty of keeping correctly these domestic account books was one, any breach of which, on the part of a Roman citizen, was regarded as almost impossible. Passage after passage might be cited from the orations of Cicero, indicating that these domestic tables were of a quasi-religious and public character, and not likely rashly to be tampered with. In their nature then they formed a guarantee as strong as that furnished by the formality which preceded their use in contracting.

The next advance was when, as regarded those agreements which had for their object the delivery of a specific thing, simple delivery was enough to create the obligation. ‡ This was long after the class of *res nec Mancipii* had arisen and simple tradition had been sufficient to pass the property in and raise an obligation with respect to them. So that although "such a result" as simple delivery raising an obligation "must have involved a serious innovation on the oldest ideas of contract," §

* *Ancient Law*, p. 325.

‡ *Ancient Law*, p. 331.

† Ortolan's *Com.*, vol. I, pp. 133-136.

§ *Idem.*

the Roman mind had in some way been prepared for it by long familiarity with the conception, so far as one class of property was concerned.

The next and last step was when certain contracts, four in number, were singled out on account of their social importance and allowed to be entered into without any ceremony whatever; the obligation at once arising on the signification of consent of the parties *ad idem*. These contracts were those of sale, of letting to hire, of partnership and agency, the commonest and most important of all contracts. The prætors, as we shall see, did a great work in simplifying and advancing Contract Law; but we have now arrived at a stage beyond which we have not up to this time passed, and beyond which we seem now less than ever likely to get. We have now certain contracts where the agreement of the parties alone is enough, and we have others in which the law prescribes various formalities and which the law requires to be entered into according to rules of pre-appointed evidence. This is so, for instance, in this and almost every other country, in the case of marriage contracts and of contracts for the transfer of certain interests in land, and in many other cases.

A consideration of the work done by the prætors in this department of law involves a glance at the analysis of agreement effected by the Roman jurists—"the most beautiful monument of their sagacity*"—at their theory of obligation and the distinction between contracts and *prætorian pacts*. *Obligatio* is defined in the Institutes † as *juris vinculum quo necessitate adstringimur alicujus solvendæ rei, secundam nostræ civitatis jura*. This definition has chiefly reference to one part of an obligation, *viz.*, the right of action which is inseparable from the notion of Roman *obligatio*. The term *obligatio* does not belong to the old civil law of the Quirites and is not to be found in the XII Tables or in any remnant of the juridical language of that period. The old term was *nexum* or *nexus* (*nectere*), in which the figure of speech is the same; though *nexum* has not the same force as *obligatio*, being in one sense narrower and in another wider.‡ According to Paulus, an obligation is either "*ad dandum aliquid vel faciendum, vel præstandum*," § that is to say, *obligatio* never gives rise to a right *in rem*, and is no more or less than legal constraint to action or forbearance on the part of one person towards another.||

Any agreement binding according to positive morality, but not enforceable according to the strict civil law, did not give rise to an *obligatio* at all. By looseness of thought and abuse of a legal term

* *Ancient Law*, p. 322.

† *Lib. III Tit. 13*.

‡ *Ortolan*, vol. III, p. 128.

§ *Dig. 44-73*.

|| *Ortolan*, vol. III, p. 130. *Austin*, p. 47.

it was said, however, to create a *naturalis obligatio*. So again, the *prætorian* jurisdiction, coming in with its softening influences here as elsewhere, toned down the rigour of primitive law and recognised other modes by which parties might become bound to one another than those known to the law. In such case the tie between the parties was styled *obligatio prætoria* or *honoraria*.

The old class of *civiles obligationes*, however, is distinguishable from these later growths in a very important manner; a fact which seems to have been lost sight of by Austin in his discussions on the method of arrangement adopted by the Roman lawyers. No doubt, as he says, adopting the distinction between Law of Things and Law of Persons, they should have disposed of the *generalia* of the law of procedure under the former division and its special peculiarities under the latter, and to do otherwise was to be guilty of "a gross logical error.*" But the inconsistency arises earlier, and this point of their method is not incapable of explanation. Had they not bound themselves to the division of Law of Things and Law of Persons, it would, we think, have been the one we should have expected them to adopt. Every *civilis obligatio* was the ground of a civil action, and this is why the Roman jurists treat of obligations and actions together as correlatives: *de obligationibus et actionibus*.† *Prætorian* obligations did eventually give rise to an action, but it was not a civil but a *prætorian* action. The *prætor* could not give a right of civil action any more than he could make an heir. These were matters of history which it was morally impossible for the *prætor* to alter. Natural obligations, unless supported by the *prætor*, gave rise to no action at all, but effect was given to them so far as could be done by making them serve as exceptions, *i. e.*, as defences or pleas.‡

The Roman law term for all matters of contract—*ad omnia pertinens*—was *conventio*.§ All conventions were the foundation either of actions or exceptions.|| The general expression *conventio* signified the agreement (*aggregatio mentium*) of two or more persons on some matter. *Contractus* was the name reserved for those conventions recognized by Roman law as obligatory and supported by the old civil law by an action. All other conventions took and kept the name of *conventiones* or *pacta* (*pactiones*), so that, although subsequently supported by an action by the more recent civil law, *i. e.*, that of the emperors, or by the *prætor*, they remained none the less out of the pale of contract and in the general class of convention or pact.¶

* Austin, p. 43, pp. 750-1.

† Dig. 44-7, Codex 4-10.

‡ Ortolan, vol. III, pp. 131-2.

§ Dig II. 14-1-3.

|| Dig II. 14-7-4.

¶ Ortolan, III, pp. 137-8.

In the Roman *contractus* we find three principal parts, *viz* : 1. The *pollicitatio* or offer by one party for the acceptance of the other. 2. The *conventio*, pact or agreement on the terms, ending in the consent of the parties. 3. The *obligatio* or binding force imposed by law, on the requisitions of the law being complied with, *eo instanti* and *ipso facto*.

As to the last particular, the generation of *obligatio*, Sir Henry Maine has used an expression which he himself admits is not an accurate one.* He speaks of the obligation as being attracted to the pact or convention ; and again he says :—" A pact was the utmost product of the engagements of individuals agreeing among themselves, and it distinctly fell short of a contract. Whether it ultimately became a contract, depended on the question whether the law annexed an obligation to it. A contract was a pact (or convention) *plus* an obligation. So long as the pact remained unclothed with the obligation, it was called *nude* or *naked*." Now, though a doubtful authority might be found amongst the Roman lawyers for this method of looking at the subject,† it is utterly opposed to the whole theory of *obligatio* and leads to confusion. If the parties were contracting according to the civil law, so soon as ever they had done what was required by that law, the *obligatio* arose and their agreement was a contract, and not a mere pact ; it never for one instant remained shivering nude or naked and unclothed with the *obligatio*. That which was once a mere pact remained so, and never became anything more.

In a word, to state the analysis algebraically in the form of a fixed equation :— $\text{Contractus} = [\text{pollicitatio} +] \text{conventio} + \text{obligatio}$; $\text{Conventio or pactum} = \text{contractus} - \text{obligatio}$.

The prætorian legislation as to pacts was completed when the prætor of some year took up the subject and declared generally in the famous words of the edict :—" *Pacta conventu, quæ neque dolo malo, neque adversus leges, plebiscita, senatus consulta, edicta principum, neque quo fraus cui eorum fiat, facta erunt servabo.*"‡ And here the history of the Roman law of contract ends, having brought us rapidly up to the conceptions of our own day. The state we have arrived at is this :—Certain contracts, and by far the most important of all, may be entered into by mere consent, and will be supported by law. As to another large class certain formalities must be complied with or, they will not be supported by law. The difficulty attending the formation of the latter and the enforcement of some of the former is alleviated by the prætor carrying out to its legitimate

* *Ancient Law*, p. 332.

‡ Dig ii. 14-7-7.

† Paulus, Dig ii. 14-6.

consequences the enlightened view expressed in the words of his edict. At the present day the two classes of contracts remain—those in which consent is enough, and those in which formalities must be complied with; but the class in which ceremonies are to be observed is greatly lessened; whilst hitherto in England suitors have had in certain cases of contract to call in the aid of the jurisdiction of the Lord Chancellor, as in cases of specific performance.

Now let us look at a few of the questions connected with the scientific aspects of contract law treated of and decided by the Indian Contract Act of 1872. But let us first observe that anyone who would see the amount of labour bestowed and the amount of talent brought to bear upon that particular piece of legislation should refer to the proceedings of the Council of the Governor-General of India assembled for the purpose of making laws. Drawn by the most distinguished English lawyers, it was before all the local Governments for the expression of opinion upon it by all classes of officers and judges; it was considered by no less than three committees, had its contents examined at length in a discussion between the Government of India and the Secretary of State; it was in the hands of two legal members assisted by two Secretaries to the Legislative Department, and it was scrutinized in every detail and almost in every word with the most minute care by several of the most eminent merchants of Calcutta.*

The form of the Act is that of the most important Indian Codes; the Act consisting not merely of direct enactments in general and abstract terms, but of such enactments aided and explained by an application of them to concrete cases. These illustrations have the authority of the legislature as much as the enactments which they explain, but they were never intended to have any force in altering the clear meaning of a section.† Many of them seem unnecessary. We read for instance:—

“21. A contract is not voidable because it was caused by a mistake as to any law in force in British India; but a mistake as to a law not in force in British India has the same effect as a mistake of fact.

ILLUSTRATION.

A and B make a contract grounded on an erroneous belief that a particular debt is barred by the Indian Law of Limitation; the contract is not voidable. A and B make a contract grounded

* Abstract of the proceedings of the Council of the Governor-General of India assembled for the purpose of making laws and regulations, 1872, Vol. xi, pp. 322-3.

† First Report of Her Majesty's Commissioners appointed to prepare a body of substantive law for India, &c., 1861, pp. 7-9.

on an erroneous belief as to the law regulating bills of exchange in France : the contract is voidable."

"31. A contingent contract is a contract to do or not to do something, if some event collateral to such contract, does or does not happen.

ILLUSTRATION.

A contracts to pay B Rs. 10,000 if B's house is burnt. This is a contingent contract."

"49. When a promise is to be performed without application by the promisee, and no place is fixed for the performance of it, it is the duty of the promisor to apply to the promisee to appoint a reasonable place for the performance of the promise, and to perform it at such place.

ILLUSTRATION.

A undertakes to deliver a thousand maunds of jute to B on a fixed day. A must apply to B to appoint a reasonable place for the purpose of receiving it and must deliver it to him at such place."

"58. In the case of an alternative promise, one branch of which is legal and the other illegal, the legal branch alone can be enforced.

ILLUSTRATION.

A and B agree that A shall pay B 1,000 rupees, for which B shall afterwards deliver to A either rice or smuggled opium.

This is a valid contract to deliver rice and a void agreement as to the opium."

"70. Where a person lawfully does anything for another person or delivers anything to him, not intending to do so gratuitously, and such other person enjoys the benefit thereof, the latter is bound to make compensation to the former in respect of, or to restore, the thing so done or delivered.

ILLUSTRATION.

(a) A, a tradesman, leaves goods at B's house by mistake ; B treats the goods as his own. He is bound to pay A for them.

(b) A saves B's property from fire. A is not entitled to compensation from B if circumstances show that he intended to act gratuitously."

We might go through the Act in this way. These instances are sufficient for our purpose ; and when we read them, we are compelled to agree with the learned *Westminster Reviewer* who speaks of these illustrations used in the Indian Acts as legal curiosities which seem to betray in the celebrated draftsmen who framed the code, or in the legislature which adopted it, a singular diffidence in the clearness of its language, or distrust of the capacity of those who are to expound it.* As the discussions in Council upon this

* *Westminster Review*, Jan, 1862,

Act clearly show, the latter consideration has weighed with the legislature. But surely though "a man is not fitted for judicial functions by drilling a company of sepoys," "though many of the present judges in India may never have seen the inside of a law-court before they were called on to preside over one," and, however admittedly incompetent the present judicial officers may be; surely, we should say, not many of them could be found so obtuse as to require the aid of the above illustrations in arriving at the meaning of the legislature as expressed in the clear language of these sections. It is an axiom of legislation that whatever is unnecessary is bad. It destroys clearness if it does nothing more or worse, and it creates unnecessary expense. But this is not all. Being in excess, it is a defect in the piece of legislation viewed as a work of art, and breaks its symmetry. We think then that in such instances as those given above, the system of illustration should not be resorted to. As to other illustrations, the English lawyer will be amazed to find so many of his best known and most useful cases compressed within the pages of the Act. But whether their effect should not have been expressed in general and abstract terms may well be doubted, though there would be small room for doubt were the ordinary judges of this country trained lawyers.

There is one very noticable feature in this Indian Contract Act, and that is the attempt it makes to codify law and equity together in reference to the subjects of which it treats. Now where the equity system retains a degree of elasticity at all corresponding to that which equity in this country still possesses, this is unspeakably difficult. It is an attempt to consolidate things in their nature seemingly incapable of perfectly coalescing; and so far as equitable principles are dealt with in the Act, they are deprived for ever of their power of spontaneous development. For, in order that there may be uniformity of decision,* equity follows the law and is governed, to the full, by legislative enactments and legal rules, and will even act upon statutes not by their terms applicable to courts of equity.† Wherever then we have a statutory enactment to the point, it is not competent to courts of equity—a *fortiori* not to courts of law and equity—to override it by the application of an equitable principle. "Where," said Lord Talbot in *Heard v. Stamford*,‡ "a particular remedy is given by the law and that remedy bounded and circumscribed by particular rules, it would be very improper for this court" (of equity) "to take it up where the law leaves it, and extend it further than the law allows." To illustrate the difficulty in question, let us refer to the Act. There we see "fraud"

* 2. Spence's Eq. 359 n (a)
† *Leckford v. Wade* 17 Ves. 99.

‡ *Cas. temp-Talbot*, 173; 3 P. Wms. 409.

defined.* It is true the definition is a wide one,† but still it is to be read strictly, as any other enactment. We have therefore what would startle some 'Chancery lawyers,'—a definition in strict terms of fraud at law and in equity. Courts of Equity have always avoided defining 'fraud' in strict terms; and, alas for poor human nature! upon grounds which one feels the force of at once. "Fraud is infinite; and were a Court of Equity once to lay down rules, how far they would go and no further in extending their relief against it, or to define strictly the species of evidence of it, the jurisdiction would be cramped and perpetually eluded by new schemes which the fertility of man's invention would contrive."‡ This, as many other circumscriptions of equitable principles, as recently current in India,§ was justified by the members of Council in their discussions upon the Bill on, amongst other, the grounds that "our judges are not as a rule jurists," and that "loose-law making is specially out of time and out of place at present in India."||

The Indian Contract Act, 1872, is not, and does not pretend to be, a complete code upon the branches of the law to which it relates. It consists of eleven chapters and deals with the following subjects:—Contracts generally under several heads; sale of goods, also under several heads; indemnity and guarantee; bailment; agency under several heads, and partnership. The consideration of contracts generally is rightly made to come first, for then, what is applicable to all the succeeding chapters, can be stated of contracts once and for all; and such an arrangement tends greatly to clearness.¶ The other subjects treated of were chosen as being of the most frequent occurrence.** Before the Council Mr. FitzJames Stephen said:—"We omitted the law relating to bills of exchange, because a Bill on that subject was framed some years ago by the Law Commissioners and was laid aside as unsuitable both to English merchants who naturally wish to follow the law of England, and to native merchants who have

* Section 17.

† Abstract of Proceedings, &c., vol. xi., p. 361.

‡ Parke's History of Ch. App., p. 508.

§ The distinction between equity in England and equity in India was pointed out by Sir George Campbell in the discussions on the Bill. Indian equity had not become so hard or fixed as English equity. (Abstract of Proceedings, &c., vol. xi., pp. 346-7, 366.) It some way supports Sir George Campbell's view that when it was said the courts in this country were to act according to "justice, equity and good conscience," the "justice,

equity and good conscience" of the Courts of Chancery at home was not meant, to know that the vague expression "equity, right and good conscience" is at least as old as the famous petition of the Commons of 3rd November 1529, before the existence in a definite shape of the Chancellor's equity jurisdiction. (Froude's *History of England*, vol. i., pp. 212, 216, 217.)

|| Abstract of Proceedings, &c., vol. xi., p. 356.

¶ Austin, Works, vol. ii., pp. 713-4.

** Abstract of Proceedings, &c., vol. xi., p. 331.

customs of their own about hundis that it is not desirable to interfere with."* The reason here given seems as insufficient as the policy of leaving such important matters to depend on custom is bad. That an unsuitable Act had been prepared and rejected is no reason why suitable provisions on these subjects should not have been incorporated in the Act. But though this is no reason, there is one. Both the history and the effects of contracts concerning bills of exchange, &c., are very peculiar. The law relating to bills of exchange can thus be detached from the general subject of contract without breaking the symmetry of treatment, and, indeed, can be better discussed when so detached.

As to the definitions contained in the Act, there are some very important remarks of Mr. FitzJames Stephen in introducing the Bill to the Council. As we think they are open to some criticism, we make no apology for giving the reader the benefit of them in full before passing any comments upon them. Mr. Stephen said :—

"I think that any one who reads the draft of the present Bill, as it was originally published in the *Gazette*, will find that the fundamental terms of the subject were not defined with complete precision by its learned authors. Thus, one of the first sections of the draft Bill was in these words :—'A contract is an agreement between parties, whereby a party engages to do a thing or engages not to do a thing. A contract may contain several engagements, and they may be either by the same party or by different parties.' I do not think that in the common use of language there is much difference between an agreement, an engagement and a contract. Whether, for instance, it was affirmed that two people had agreed to marry, or engaged to marry, or had made a contract that they would marry, most of us would think the same sense was conveyed, and throughout the Commissioners' draft, 'agree,' 'engage' and 'contract' are used indiscriminately. It is natural therefore to ask, what is the use of their definition, and why should it not run,— 'An agreement is a contract by which people engage,' 'an engagement is an agreement by which people contract,' or 'a contract is an engagement by which people agree,' or 'a contract is a contract by which people contract' ?

"I think I could trace the origin of this definition, but to do so would needlessly consume the time of the Council. All these definitions conceal the true analysis of the subject, which rests, as all such operations ought to do, on the broadest and most general facts of human nature. If it is examined in this light, I think a contract will be found to be composed of the following elements :—In the first place it is obvious that in order that the

* Abstract of Proceedings, &c. vol. xi., p. 332.

relation may exist at all, one party must make a proposal. 'If that proposal is accepted, the parties are so far at one.' They each contemplate a common course of conduct. To use the common phrase, they 'agree.' An accepted proposal therefore is an agreement. But the proposal may be either a simple one—as if I propose to a man to make him a present of a hundred rupees; or, as is the more common case, it may involve something to be done on his part—as if I propose to give him a hundred rupees for a horse which he is to give to me. In each case we agree, but in the first case I only promise and he accepts my promise. In the second case each of us makes a promise which the other accepts. I promise him money and he promises me a horse, and these two promises form the consideration for, or cause, each other. We have thus got clear notions of promises and agreements. A promise is a proposal accepted and an agreement is a promise, or set of promises, forming the consideration for each other. Every promise is an agreement, but an agreement may, and generally does, consist of more promises than one. But what it may be asked is the difference between an agreement and a contract? I answer, every contract is an agreement, but every agreement is not a contract, but only those agreements which can be enforced by law. If one man proposes to another to commit murder for hire, and the other accepts, there is an agreement, and there are mutual promises, but as the agreement is one which the law will not enforce, and which indeed it would severely punish, there is, as I say, no contract. The use of language is always matter of convenience. If any one chooses to use the words agreement and contract indiscriminately, he can, of course, do so; but I maintain that by assigning a distinct sense to the different words I have mentioned, which sense corresponds to facts inherent in human nature itself, the whole subject is rendered clear and easy of comprehension and arrangement.”*

In thus going about in this long passage to pull to pieces the definition given by the Law Commissioners at home, Mr. Stephen is inconsistent and says what is not the case. He tells us to start with that there is not much difference in the common use of language between 'agree,' 'engage' and 'contract,' and that they are used indiscriminately throughout the 'Commissioners' draft. He then tries by a play on words to reduce the Commissioners' definition to an absurdity. Mr. Stephen afterwards tells us, that to use the terms in question indiscriminately prevents the clear and easy comprehension and arrangement of the subject, and that, therefore, he will not use them as convertible terms, but

* Abstract of Proceedings, &c., vol. xi., pp. 334-5.

will assign each a special meaning, and that only those agreements are contracts which can be enforced by law. The definition of the Commissioners is indeed defective, but it is clear they did not, throughout their draft, use the words 'contract,' 'agreement' and 'engagement' indiscriminately, and as synonymous and convertible terms, as Mr. Stephen would have us believe. They say, for instance, not that a contract is an agreement; but that it is an agreement of a particular sort, and they proceed to describe the sort: What Mr. Stephen says seems to amount to this:—"These three terms are not synonymous and convertible—far from it; but if by saying that there is not much difference between them in the common use of language, and that they are used indiscriminately throughout the Commissioners' draft—if by saying this I can upset the definition given by the Commissioners, why, then, I will say so, although the definition of contract given in that draft shows that the terms were by no means used indiscriminately."

The distinction between contract and agreement, which is almost exactly the same as that which, we have seen, existed in the Roman law between contract and pact, must be confessed to have all the advantages that Mr. Stephen attributes to it. The definition of contract given in the Act, *viz.*, "an agreement enforceable by law,"* would accomplish the purpose of the distinction; but that, as the definitions are formed in the Act, we are supposed to know the special meaning given to 'agreement,' which again involves the meanings of 'promise' and 'consideration.' It seems perfectly clear that the Law Commissioners meant to use 'contract' to signify an agreement which the law will enforce. The second limb of their definition, however, does not include this element. It seems to us all the benefits of the correction would have been gained by making the original definition run:—"A contract is an agreement enforceable by law between parties," &c.

According to the definition of contract given in the Act, how can the legislature speak in strictness of logic of a "void contract," which is the name given by the legislature to that which having been a contract ceases to be enforceable?† Valid contracts and invalid contracts! Shades of Jeremy Bentham and John Austin! Such a classification seems absurd enough even in the pages of a Brehon text-writer, where it has been shown to have a meaning and to be capable of explanation.‡ But in so important an Act as that under discussion, passed by thinking men of the nineteenth century, the same classification

* Section 2. (h)

† Section 2. (j)

‡ Sir H. S. Maine's *Early History of Institutions*, pp. 57-8.

seems to us to be a serious blot. It must be clear, looking at the definition given in the Act itself, that as soon as a contract ceases to be enforceable, it ceases to be a contract; and that a contract not enforceable, at law is a flat contradiction in terms. Then again a reference to the Act shows that the words "enforceable by law" have an unnatural meaning assigned to them. Chapter IV has to do with "the performance of contracts," and treats first of "contracts which must be performed," and secondly of "contracts which need not be performed," that is, which will not be carried out by a court of law against the defendant.* If then the agreement is altogether incapable of enforcement, how can it be said that it is "an agreement enforceable by law" i.e., a "contract"? To speak of a "contract which need not be performed," when you have already said you mean by a contract "an agreement enforceable by law," is to speak of "an agreement enforceable by law" "which need not be performed," i.e., which is not "enforceable by law," and is to talk nonsense. Whilst then we admit the propriety of altering the language of the Law Commissioners, we must regret that as the Act stands the alteration in language has not been consistently carried out. We think that if that which once having been a contract ceases to be enforceable by law were called a "voided contract" and a similar alteration were made in the phrase "contracts, which need not be performed," the logical defects pointed out would be remedied.

A very important departure from English law, and a very wise one, is made in that part of the Act which relates to the time and place for performance of contracts. The rule of English law by which, in certain cases of contract when no time is fixed for performance, the performance is yet due as soon as the obligee shall desire it, has been laughed at by Austin for very good reasons.† Starting with the principles that every right of action is founded on an injury, and that intention, inadvertence or negligence is of the essence of injury, we have here a case of injury without intention or inadvertence. Without an intimation of the wish of the obligee for performance, the party obliged could not possibly know he was breaking his obligation. "This monstrous rule of the common law courts," says Austin, "is justified by a reason which is no less monstrous. For it is said, a previous demand were superfluous and needless inasmuch as the action is itself a demand; the reason forgets that the right of action is founded on an injury."‡ Another point turns on the question of costs, which,

* Section 62.

† Works, vol. i., p. 485.

‡ Id., p. 486. *Norton v. Ellam*.

2 M. & W. 461. *Waters v. Earl of Thanet*, 2 Q. B., 70.

by this absurd rule, an innocent person may be mulcted in. The rule of the Roman law was more sensible. It required that every person under an obligation should be put *in mora* or default before action brought. For this demand was necessary. *Interpellandus est debitor loco et tempore opportuno*. But where a day was fixed for performance, it was said *dies interpellat pro homine*. This more rational rule is that which has been followed by the legislature in the Contract Act.*

Another question of great difficulty is settled by a simple section of the Act, *viz.*, the mode in which a contract is to be performed, whether according to the intention of the promisor, or the intention of the promisee. The general rule for determining this question laid down by Dr. Thomas Brown,† following Paley, is that "each party to the contract is under a moral obligation to fulfill what he has undertaken to perform in the manner in which he had reason to believe the engagement to be understood by the party with whom he contracted."‡ But when we pass from the region of morals to the realm of law, the application of the principle, as pointed out by Austin, is fruitful of difficulty. Is an improper understanding on the part of the promisor of the apprehension of the promisee to exonerate the promisor? Or is there any reason for giving the promisee an advantage he was not contracting for, merely because the promisor through mistake understands him to have expected it. Surely a man is to get what he contracted for and not something totally different; and hence, as stated by Austin,§ the true rule is the understanding of both parties. But if the real meaning of equivocal contracts were left to be decided by the inferior and ill-qualified judges who preside in numerous Indian Law Courts, the result we think would be pitiable. The Contract Act, however, does not leave so difficult and abstruse a question so to be decided. For an agreement to be a contract under it, it must be made "by the free consent of parties competent to contract for a lawful consideration and with a lawful object;"|| and there is no consent at all unless the parties "agree upon the same thing in the same sense."¶ The effect of these provisions is to save the courts from the necessity of interpreting an agreement where the parties had different meanings;

* Sections 46-50. Even before the passing of the Indian Contract Act, 1872, the High Court of Calcutta declined (quoting the passages of Austin referred to in the text) to sanction in regard to transactions and suits for money lent in this country, the doctrine of the Common Law Courts in England here discussed. (*Tarini Prasad Ghose v. Ram*

Krishna Banerjee, 6 B. L. R., p. 160. Cf. also *Freeman v. Jeffries*, L. R., 4 Ex., pp. 199-200.)

† *Moral and Political Philosophy*, vol. i., chap. v.

‡ *Lectures on the Philosophy of the Human Mind*, vol. iv., p. 349.

§ Works, vol. i., p. 456.

|| Section 10.

¶ Section 13.

leaving the party who has lawfully done anything under such an agreement to recover compensation under the other provisions of the Act. There is a wisdom in this course, for, in the words of Dr. Story, "judicial tribunals would otherwise be overwhelmed with litigation, or would become the scenes of the sharpest conflict upon questions of casuistry and conscience."*

Another difficult question dealt with in the Indian Contract Act is that which regards title to goods sold by a person who has no right to sell them. It is a well-known rule of English law that (subject to limitations) where a person is not the owner of goods but has only the possession, he may yet make a valid sale of them, if between sun-rise and sun-set, in market overt to a *bona fide* purchaser who does not know that they are not the vendor's property.† By Statute 24 and 25, Vict. c. 96., s. 100, the Larceny Act, the third of the Criminal Law Consolidation and Amendment Acts, it is enacted, that on conviction of the offender in such a case the property shall be restored to the owner, and the court, before whom the offender may be tried, shall have power to award writs of restitution of the property. As it has been decided that the remedies thus provided are cumulative, ‡ even though the court fail to issue the writ, the property may be reclaimed, but not where a person has purchased them in market overt and disposed of them again before the conviction,§ nor in the case of negotiable instruments.|| When, however, a sale takes place out of market it is said to be a general rule of the common law that the vendee cannot acquire a better title than the vendor. To this there are some exceptions, into which we need not further inquire.

Such is the state of the law on this point in England. It is a state which must be admitted to be very unsatisfactory; the distinction between sale in market overt and other sales resting upon the fictitious ground of a difference between market overt and other places for the purposes of sale; the former being said to be a place which is open, so that any one who passes by may see it and that is proper for the sale of such goods as are sold there. This was felt by the Law Commissioners, and they provided in their draft "that the ownership of goods may be acquired by buying them from any person who is in possession of them, if the buyer acts in good faith, and under circumstances which are not such as to raise a reasonable presumption that the person in possession has no right to sell them."¶ They admitted the difficulty of the question, considering, on the one hand, the hardship suffered by an

* *Treatise on Bailments*, 5th Ed., p. 506.

p. 183.

† *Smith's Mercantile Law*, 8th Ed.,

p. 476.

‡ *Scattergood v. Sylvester*, 15 Q. B., xi., p. 336.

§ *Horwood v. Smith*, 2 T. R., 750.

|| St. 24 and, 25 Vict. c. 96., s. 100.

¶ Abstract of Proceedings, &c., vol.

innocent person who loses in this way his right to recover what was his undoubted property. But on the other hand, still greater weight appeared to them to be due to the hardship which a *bond fide* purchaser would suffer were he to be deprived of what he bought. The former is very often justly chargeable with remissness or negligence in the custody of the property. The conduct of the latter has been blameless. The balance of equitable consideration is, therefore, on the side of a rule favourable to the purchaser, and they thought that sound policy with respect to the interests of commerce pointed to the same conclusion.

This reasoning is clearly defective, as was shown by Mr. Stephen in his speech on the Bill. It is clear, as put by the Law Commissioners, that sometimes the party, whose property the goods are, may be to blame; but it is equally clear that there may be cases where the parties are as innocent one as the other. This is assumed by Mr. Stephen to be the common case; and he thought the loss ought to fall on the purchaser for reasons which may be epitomized as follows:—

1.—The only argument offered in support of the suggestion assumes negligence on the part of every person who relies on the law for protection of his property.

2.—A person robbed by force or fraud suffers a greater injury than a person who has been overreached in a bargain.

3.—To give thieves the legal power of effecting a change in property against the will of the true owner, recognises and favours crime. No one should be permitted to derive benefit from a crime, and things should be put, as far as possible, in the condition in which they would have been if no crime had been committed.

4.—The proposal of the Commissioners favoured the receivers of stolen property, who would not, it is true, obtain a title themselves, but who might confer it on others.

5.—The question of the *bond fides* of the purchaser would arise and have to be decided in every such case, which is undesirable.

6.—The proposal would remove one of the greatest existing motives for the detection of crime. A man would not go to the expense of prosecuting a thief if he was to derive no advantage therefrom.

7.—The universal practice of India is that loss should fall on the purchaser.

8.—The effect on the position of bailees would be undesirable; every bailee might sell and make a good title to the goods bailed to him.*

Now look at these reasons one by one. First, does the argument of the Law Commissioners raise the assumption attributed to it? Is

* Abstract of Proceedings, &c., vol. xi, pp. 336-9.

it a fair rendering of their statement that the owner "is *very often* justly chargeable with remissness or negligence in the custody of the property," to say they assume "that *every* man is negligent who depends upon the protection afforded by the law to his property?" Surely, supposing that, as Mr. Stephen says, "people have a right to expect the law to protect them against superior force, and also against fraud so gross as to amount to crime," they must be expected to protect themselves, and have no right to such protection when their remissness and negligence have been such as to lead others into temptation and the commission of offences.

2. We may well ask why does a person robbed by force or fraud "suffer a greater wrong than one who has been overreached in a bargain." Under the provision for which Mr. Stephen was contending, the *bond fide* purchaser would have practised upon him "robbery by fraud," for he would through fraud be made to part with his property for nothing; and his property is to be supposed to be as valuable to him as the owner's to him.

3. The rule is meant to favour the innocent and does not recognise, though it might indirectly favour, crime to some extent; and though true it is that *salus populi est suprema lex*,* it is also said by no less an authority than Lord Hale, that it is better ten guilty persons should escape than that one innocent person should suffer.†

4. The rule proposed would not alter the position of the receivers of stolen property, though it would benefit *bond fide* purchasers from them. In any case of sale by these persons, who are, according to Mr. Stephen, "often in outward appearance respectable," the full advantage to them is gained when they possess themselves of the consideration given by the *bond fide* purchaser. As they are "in outward appearance respectable," the purchaser is never likely to doubt their right to confer a title to the articles he proposes to purchase, more than he is to doubt that of the most respectable tradesman with whom he deals. Taking the ordinary receivers of stolen property at Mr. Stephen's own rating, it is difficult to see, then, in what way the provision would favour them.

5. The question of the *bond fides* of a purchaser is, as every tyro in equity knows, one which has constantly been investigated by Chancery Courts at Home, and by the courts in India administering law and equity. There seems no sufficient reason—certainly none is given—why courts in India should not investigate a question wherever it may arise.

6. The rule of English law upon which Mr. Stephen seems to have based his sixth objection is well stated by Lord Ellenborough,

* Lord Bacon, Max. Reg. 12.

† 2 Hale P. C. 289.

C. J., when he says, "the policy of the law requires that, before the party injured by any felonious act can seek civil redress for it, the matter should be heard and disposed of before the proper criminal tribunal in order that the justice of the country may be first satisfied in respect of the criminal offence;"* for, as observed by another learned Judge in the terms of Mr. Stephen's objection, it might very likely happen that criminal justice would be defeated if the injured party were first permitted to obtain civil satisfaction for the injury. But this principle does not apply to India where the courts have only to see that the suit is not barred by any legislative enactment,† and where the injured party need not prosecute the offender before bringing his civil suit.‡

7. The universality of a practice, should it in reality be found to be a bad one, so far from being a ground for its perpetuation by the strong arm of the law, is the strongest ground for its speedy suppression. It were strange legislative policy to decline to deal with evils because they happen to be wide-spread.

8. It is hardly conceivable that a bailee would avail himself of the power the proposed provision would have conferred on him; seeing that he would be liable for the breach of his contract of bailment to pay damages generally of a larger amount than would be represented by the sale price of the goods.

The reasoning adopted by Mr. Stephen in the Council, then, seems to us to be very fallacious; yet two points are brought out on one side and on the other: first, that sometimes the owner is so grievously remiss or negligent in the custody of his property that he is only rightly served when he loses it, and is not entitled to the consideration of the courts; second, that by the proposed rule crime would be favoured. As usual, the true politic legislation would be that which, lying in the golden mean, should steer between Scylla on the one side and Charybdis on the other. We should say, where the owner is so grossly to blame as to disentitle him to consideration, let him bear the loss; in other cases let it fall on the purchaser though he may have acted *bonâ fide*, leaving him to recover his purchase-money as on a consideration that has failed, in which case the thief will get small advantage and the 'apparently respectable' receiver of stolen property none. The legislature has enacted, however, that no seller can give to the buyer of goods a better title to those goods than he has himself. Yet it admits three exceptions in which the contemplated states

* *Crosby v. Leng*, 12 East 413; *S. Jackson, J.*

Cf. also *Wellock v. Constantine*, H. and C. 146.

† Act viii of 1869, Sec. 1; *Shama Churn Bose v. Bholanath Dutt*. 6 Buth. Civ. Ref., Peacock, C J., and L.

‡ The argument is unaffected by the fact that a successful prosecutor, where a fine is imposed, may have awarded to him that fine or part of it.

of things are similar to, though for the purpose of providing an exception we think weaker than, those of the case which it is here contended ought also to be added as an exception,* *viz.*, where the owner of goods stolen is so grossly to blame in the custody of his property as to disentitle him to consideration. One thing is very certain; the reasoning adopted by Mr. Stephen on this matter does not conclude the question, and we cannot think that the point is yet finally disposed of.

Another interesting question raised by the late Lieutenant-Governor of Bengal in the discussions on the Bill, was as to the limit of time for the duration of contracts. Sir George Campbell contended that there should be some such limit, and cleverly illustrated his point from the contract of personal service. "As the law stood," he said, "a man might contract for slavery, that is to say, might make a contract of service for life."† But it was agreed on all hands that such an agreement would be void as against public policy. But then said Sir George, "what was to prevent a man contracting for fifty, thirty or twenty years' service"? There was nothing in the Bill, and there is nothing in the Act, to prevent the courts enforcing such a contract. Now as a politico-economical fact it is true that the advantages are strongly on the side of a free labour market and against tying up men to a particular service in the way supposed. The contract spoken of by Sir George Campbell was, of course, bilateral. The labourer, who is dependent on his exertions and on his giving satisfaction to his master for his retention in service, will have strong inducements to put forth his powers of mind and body on behalf of his master, and his mind will be enlightened and aroused by prospects of reward and advancement.‡ This, it is clear, is a better state of things both for himself and his master than that of the case put by Sir George Campbell, and the real answer to the point put by Sir George lies less in the grounds advanced by Mr. Stephen in reply § than in the fundamental principle of human nature, which makes masters as well as servants attend to their own interests; and if a man should be found so foolish as to contract for fifty years' personal service, it is hardly conceivable that he should meet with an equally foolish party prepared to enter into a contract for his fifty years of service; should he happen by a strange fate to do so, it would be a case of "Hail fools, well met."

In the chapter of the Act concerned with 'certain relations

* G. Sec. 108.

† Abstract of Proceedings, &c., vol. xi., p. 377.

‡ Professor J. E. Cairnes's *The Slave Power*, 2nd Edition, p. 49.

Mill's *Political Economy*, Book II., Chap V., Section 2.

§ Abstract of Proceedings, &c., vol. xi., p. 379.

resembling those created by contract,' no mention is made of a judgment of a court of competent jurisdiction and the relations created by it. Yet judgments might have been regarded in this light. Judgment has been treated in English law as a consensual contract.* But it is clearly wrong to treat it so, for : 1. The meaning of consensual contract is that consent alone is sufficient to constitute the contract, which is not so here, for there must be the rendition of judgment. 2. There is not such consent as is assumed, for the defendant does not go into court and submit to its decision and procedure, &c., of his own free will, but is dragged there by his adversary. Now the consent in question should be voluntary, but here, whatever there may be on either side, is not consent, but submission to the superior power of the sovereign which backs and supports the judgments of the State's Judges. The relations created by a judgment, however, are like those created by contract. The Civilians would have settled the matter by calling judgment not a contract, but the fact giving rise to an obligation *quasi ex contractu*. In the words of the Indian Contract Act, it creates 'a relation resembling the relations created by contract.

The first clause of the 25th Section of the Act provides that a contract in writing made on account of natural love and affection, between parties standing in a near relation to one another, and registered according to law, shall not be void on the ground that it is made without consideration. This provision is a very proper one, its effect being to introduce a very valuable form of pre-appointed evidence. It has been remarked by a very learned writer:—"The interest of society is greatly promoted by establishing authentic criteria of judicial certainty, so far as this object can be effectuated without materially interfering with the claims of general convenience. Where the acts which may become the subject of examination will admit of deliberate preparation, and the purposes of them evince the propriety of a formal memorial of their occurrence, more especially when they are from their nature subject to error and misrepresentation, it is reasonable to expect that those who are interested in their preservation should provide for it in a manner previously regulated and established, or that, in case of neglect, their particular interest should be deemed subordinate to the great purposes of general certainty. But as it is also certain that this system of precaution may be carried too far, by the exaction of formalities cumbersome and inconvenient to the general intercourse of civil transactions, the special application of these principles must be chiefly governed by municipal regulations ; but, as a general observation,

See Broom's Com. Law, 4th Edition, pp. 268-9, and the sophistry there.

It is evident that the great excellence of any particular system must consist in requiring as much certainty and regularity as is consistent with general convenience, and in admitting as much latitude to private convenience as is consistent with general certainty and regularity.* These are very wise words, and may and ought to make us think twice before approving of the provision in question? But, after all, the provision in question seems open to none of the objections raised in the remarks just quoted. Nor, again, by its very terms is it open to the objection of Sir George Campbell, that a mahájan having, according to the custom of such people in this country, induced a borrower to register a bond acknowledging the receipt of money before he had received it, might turn round and refuse to advance it.† In such a case the contract can hardly be said to arise from natural love or affection.

The first special class of contract considered in the Act is the contract for the sale of goods; and the definition of sale given in the Act seems open to grave objection. In Section 77 it is defined as follows:—"Sale is the exchange of property for a price." This definition involves the idea that there is no difference between sale and exchange; but that they are in reality the same contract. It opens up again that great contest which the Roman lawyers had upon the point. The arguments used in their dispute are interesting and are given almost word for word from Gaius, ‡ in the Institutes of Justinian, § as follows:—

"Item pretium in numerata pecunia consistere debet; nam in ceteris rebus an pretium esse possit, veluti an homo aut fundus aut toga alterius rei pretium esse possit, valde quærabatur. Sabinus et Cassius etiam in alia re putant posse pretium consistere: unde illud est quod vulgo dicebatur, permutatione rerum emptionem et venditionem contrahi, eamque speciem emptionis et venditionis vetustissimam esse; argumentoque utebantur Græco poeta Homero, qui aliqua parte exercitum Achivorum vinum sibi comparasse ait, permutatis quibusdam rebus, his verbis:—

Ενθεν ἄρ' οἶνοζοντο κερηκομόωντες Ἀχαιοί,
 Ἄλλοι μὲν χαλκῷ, ἄλλοι δ' αἰθωνι σιδήρῳ,
 Ἄλλοι δ' ῥινόισι, ἄλλοι δ' αὐτοῖσι βόεσσιν,
 Ἄλλοι δ' ἄνδρα πόδεσσι. ||

Diversæ scholæ auctores contra sentiebant, aliudque esse existimabant permutationem rerum, aliud emptionem et vendi-

* Sir W. D. Evans, 2 Ev. Poth. 142.

† Abstract of Proceedings, vol. xi, p. 375.

‡ Lib. III., Sec. 141.

§ Lib. III., Tit XXIII., Sec. 2.

|| Iliad VII. 472—475.

tionem: alioquin non posse rem expediri permutatis rebus, quæ videatur res venisse et quæ pretii nomine data esse; nam utramque videri et venisse et pretii nomine datam esse, rationem non pati. Sed Proculi sententia dicentis, permutationem propriam esse speciem contractus a venditione separatam, merito prævaluit, cum et ipsa aliis Homericis versibus adjuvatur et validioribus rationibus argumentur.

Quod et anteriores divi principes admiserunt et in nostris Digestis latius significatur." Not only did the Roman lawyers treat the two contracts as totally distinct, but the same has obtained in English law;* and for the reasons involved in our former remarks we must think with good reason. The distinction adverted to, and ignored in the Indian Contract Act, has been considered an essential one by the best writers, and when we consider the vital change introduced along with the use of money as a circulating medium of value in exchange, we cannot wonder at this, but can only regret that the definition in the Act has not borne out the distinction.

We might increase the number of these instances of the important questions dealt with in the Indian Contract Act, 1872; our object, however, is not to exhaust the subject, but to excite the reader to thought. In Lord Bacon's words, "it is a dull thing to tire, and as we say now to jade anything too far." Lest we should jade this subject too far, we leave it in the reader's hands, with the expression of a sincere opinion, that this Act—a wonder of the draftsman's art, and a marvel of the power of expression—whatever its defects may be, is, on the whole, a grand and noble piece of legislation.

* The omission of a party for any tain an action for goods sold and period to deliver goods bartered for, delivered. (*Harrison v. Luke*, 14. will not enable the other to main- *M. and W.*, 139.)

ART. IV.—AMONG THE CONTINENTAL JAILS.

THE sequelæ of a *coup de soleil* led the writer of the present article for a year to seek a more temperate climate. He availed himself of the opportunity to visit the principal jails in the course of his travels, not neglecting at the same time the galleries, churches and local antiquities that usually attract tourists. An official recommendation from the head of his department in the North-Western Provinces gave him access, through the various British Consuls, to every jail he desired to see, and in the whole course of his inspections in Egypt, Sicily, Italy, France, Germany, and Switzerland he met with nothing short of cordial kindness from Government officials of every grade. This, as he understood indirectly, was due in the main to his being an Anglo-Indian, not only a *rara avis* in many parts, but one who is expected to render to some extent a *quid pro quo* in satisfying a pardonable curiosity regarding systems of administration, of which Continental nations, not having similar dependencies, have little experience.

Minute details of penal management, such as scales and varieties of diet, quantities and kinds of work, hours of labour and the minutiae of prison economy, though noted for personal use, would be foreign to the writer's present purpose, which is to give a general view of the more striking impressions which were formed upon his own mind by what he saw and heard. Perhaps their perusal may assist in removing a very erroneous opinion which is prevalent in this country, that there is in our Indian jails a culpable laxity of discipline and a pampering of the prisoners which tends to counteract very injuriously the criminal administration of the country. Within late years this view found expression in a minute from the Bengal Secretariat, which, in a manner painful to those who had watched the development of penal administration in Bengal, ignored the many years' labours of one of the ablest of our Indian jail reformers, and enunciated "terrorism" in unmistakable language as the nucleus from which a new system of management was to be organised. That this system is retrograde, few of wide experience will in our day care to deny. It has been well said (and it is nearly as applicable to India as to England) that if we pass clay through the fire we end in making bricks, hardened in proportion to the "fieriness" of the furnace through which they are passed. Discipline is as distinct from terrorism as regimental rule is from slave-driving; the one is a necessity due to the security of the prisoner and the protection of society; the other, when resorted to, is the product

of barbarous traditions and a feeble judgment. The laxity of discipline in Bengal was accounted for in a manner which laid itself not only open to the charge of being superficial, but one that was calculated to evoke an indignant denial from the class it affected, as well as from others who were conversant with the rise and progress of jail administration in the North-Western Provinces where the experiment was first initiated. It was said to have been a more than doubtful policy to place medical men in executive charge of jails because their more ample leisure for their duties was counteracted by having their sympathies so keenly excited where suffering was involved, that they were by training unfit to execute the swift and stern punishments that prison discipline often urgently demanded. It is a general impression, and one that might have been conceived *a priori* even if experience had not confirmed it, that in no professional training could sympathy *as an emotion* find less room for development than in the medical, however active and powerful it might have been as a sentiment. That in too many cases it does not exist in either form, is apparent from the punishment records of the provincial jail reports.

Public opinion in this country, forming its conclusions in general on very insufficient evidence, is liable to violent mutations. Only in 1866 the Prison Committee pronounced an opinion which the public and the press endorsed that the treatment of prisoners in many Indian jails was absolutely inhuman, and Miss Carpenter to this day adopts the same pessimist view. That prison discipline is more forbidding in India than in any other civilized country in the world, admits of no doubt whatever, while England ranks second, *sed longo intervallo*. What the case may be in America is unknown to the writer, but only in the two countries above mentioned is flogging allowed even for breaches of prison law. In no other countries do cranks and treadmills exist; or, indeed, any form of unproductive labour as a judicial punishment; and only in these two is tobacco absolutely forbidden,—a privation only secondary to the prisoner's liberty. True enough Indian prisoners prefer re-imprisonment to starvation, for hunger is unquestionably the *ultima ratio* of 90 per cent of re-committals. The "criminal classes" as they are understood in England, do not form two per cent of our prison population, who are, as many experienced Superintendents have asserted, as trustworthy upon the whole as their unconvicted brethren.

This much may be admitted, that our prisons are not so deterrent as they were before the British occupation. The native rulers practised summary modes of procedure that would be even too severe for those who complain of the laxity of our present system.

After the Punjab was annexed, in organising the judicial administration, estimates were sent in for the accommodation of 10,000 prisoners. The Board of Directors in England, demurring at the great expense, wrote out to enquire how Runjeet Singh disposed of his convicts. The reply was conclusive. The Directors were informed that imprisonment (except in dungeons or at the bottom of dry wells) was not a native punishment. Debtors were chained to gateways and begged the means of subsistence from passers-by. Thieves had their noses cut off, burglars were hamstrung, and the hands of dacoits were chopped off with the sword. Every zemindar chained up his own defaulters and treated them according to the freedom of his own will. In the whole of the Punjab there was not prison accommodation (as we understand the term) for 100 men.

As in the Punjab, so in every age and country where offences against the person and property are regarded as against individuals and not as affecting the State. The progress of civilization and, paradox though it seem, of individual liberty and humanity, is as manifest in our modern prison administration as in our hospitals and poor-houses. It has aimed at attaining to the precision of an art, regulated by the results of experience, and to be as free from bias or caprice as a mechanical contrivance. This will be the more apparent when we come to describe the Plotzensee in Berlin which is the latest and best expression of the "Dismal Art."

Having premised these general remarks on Indian prisons, I shall proceed to give some idea of the discipline and management of Continental prisons, among which I shall include those of Egypt and Sicily. In addition to the main object in view, I shall give a few "notes by the way," which may assist in giving a certain continuity to the description of the prisons inspected.

To an Anglo-Indian, the Egypt of the present does not possess the freshness of interest that it does to the European. The primitive mode of agriculture and dress of the people, their streets and bazaars, their camels and asses, their complexion and general *entourage*, are elements of strong novelty and interest to the European. All of these are to the Anglo-Indian associated with years of arid sands and a burning sun, with exhaustion mental and physical, and all the drawbacks incident to life in a torrid climate. Cairo is, however, interesting *per se*, as being even more than a meeting of the East and West; it is a union of the new and old in a more marked form than any other city in the world. It reminds one of the effect of a patchwork of new cloth on old garments. The strain of civilization is tearing it asunder, and the rent is becoming wider every year. New Cairo has monster hotels, boulevards, gardens, and restaurants. It is in fact a miniature Paris. The bazaars and the Coptic quarter in the suburbs are as foul and dank and odorous as they were in the days

of Saladin. The Arab portion of the bazaar is not unlike the native city of Benares. And the walls round the Coptic quarter are as secure and grim as they were when death was the penalty awarded to any of the inmates who passed out after night-fall. After exploring the citadel, the museum, the mosque of Amrou, and the ancient Coptic church, we drove to the pyramids of Ghizah on an excellent carriage road, crossing the Nile on an iron bridge, though the latest edition of Bradshaw led us to infer that there was only a bridge of boats. The ascent of the pyramid, though free from any danger, requires a certain "steadiness of head" to fall short of being a penance for which the view from the top does not make amends. The Arabs could only tell me of one accident that happened and that was a generation ago. In their own *ipsissima verba* an Englishman "drink much brandy and beat poor Arabs and so he fell down and was killed,—" the velocity of the fall, doubtless, contributed to by the "beaten Arabs."

Close in front of the pyramid of Cheops stands the Sphinx, "more wonderful than all else in the wonderful land of Egypt." It is not beautiful to look upon, but an expression of enduring sadness lends to it a fashion of sorrowful interest, as if it were affected by the annihilation of the "giant race" who built the pyramids, and sculptured its own lineaments from the solid rock. Nothing strikes one so forcibly as the huge scale on which the handiwork of those days was constructed, and that, too, in an age when mechanical appliances must have been few in number and rude in construction. The obelisk at Heliopolis close to Cairo, for example, weighs over 200 tons and was transported from the Upper Nile a distance of 800 miles. One is attracted not more by the size of this monolith than by its age, which stretches beyond the horizon of even tradition. Several generations must have grown up around it before Abraham "sojourned in Egypt," and of course it was "weary with age" when Joseph's father-in-law was high priest of the neighbouring temple. Plato and Pythagoras studied within view of it, and in this Scripture city of "On" the Prophet Jeremiah wrote his book of Lamentations. The garden in the neighbourhood, with its sycamore time-honoured as the resting place of the Holy Family after their flight to Egypt, would have been to us a source of great interest, had it not been, during our visit, the scene of a Greek carnival which was sadly out of keeping with its traditional associations.

The Prison at Cairo was once a palace, and is situated close to one of the busiest and noisiest of the Arab bazaars. It is a square and massive block three storeys high, with a courtyard in the centre into which all the doors of the ground flat open. The male prisoners, of whom there were about one hundred, occupied

two rooms fronting this courtyard, which was about thirty yards square, the prison guards and officials being quartered in the upper floors. A Greek officer of police in the service of the Pasha was sent by the Bey to accompany me. This young man could speak excellent English as well as French, Italian and Arabic, and was a naturalized subject though not a follower of the prophet. If intolerance be, as is generally supposed, essential to the Moslim faith, the latter must be losing its hold upon the ruling classes in Egypt, for most of the middle grades of the administrative ranks are filled by foreigners. The prison at Cairo had one of the main essentials of a prison in a very marked form. There could be no doubt as to its absolute security. There was only one door in the corner of the quadrangle, and this was guarded by an armed sentry, so that a prisoner could only escape by climbing up three storeys of a bare wall! The scene in the courtyard was a very animated one, and did not present many features of the grim exclusiveness usually associated with prison life.

The inmates, as a rule, are supported by their friends who, if residing in the city, bring food ready cooked. When the friends live at a distance, money is remitted, and there is a daily bazaar in the front of the prisoners' barrack rooms which gives ample opportunity for disposing of it. On our entrance there was a discussion going on regarding the price of some cabbages between a prisoner and a market-woman carried on in the peculiarly soprano key considered necessary in Oriental bargain-making. The prisoners wore their own clothes, which were as filthy and odorous as a Pathan villager's. There was no attempt at classification, the untried were not even separated from those who were convicted. No means of ablution were present, as far as I could see, for person or clothing, while the powerful ammoniacal smell testified to the neglect, by the authorities, of other sanitary measures besides. Neither bedstead nor bedding was provided, the inmates were allowed to huddle together as they chose. With the exception of one Maltese, all the prisoners on the ground-floor were natives. One unhappy wretch, who was said to be a lunatic, was confined by an iron chain to the wall, the other end of the chain being rivetted round his neck! A dozen hands were thrust through the railings soliciting *buckshesh*, and that notwithstanding the presence of the prison officials, who did not seem to see anything inappropriate in keeping in practice, even in jail, a habit so persistently national. The wretched and hungry appearance of many would have justified the expenditure of some piastres, but being criminals they were not entitled as such to much commiseration. Besides, to those who have no means of support, Government gives an *oke* (2½ lbs.) of bread daily with some onions. One is prepared for the solicitation of *buckshesh* in

any station or position Egyptian, seeing that a railway guard will not open the carriage door until he is bribed, nor can the thirsty traveller obtain a mouthful of cold water except under the same consideration.

In passing out of the prison courtyard, we came to a room appearing like a verandah partly enclosed. Round the walls were suspended chains, hand-cuffs, and fetters, the last being of a peculiar springlock pattern. Across the room a massive teak beam extended about seven feet from the floor. From this beam under-trial prisoners are suspended by thumb-screws in order to extort a confession. My Greek guide explained to me that suspected thieves and murderers were periodically swung until their cases were decided; and he did not seem to see that the ends of justice could be attained in any other way. I had the thumb-screws fitted on, and after a few turns I quite agreed with my guide, that if it did not expedite the course of justice, it certainly would facilitate the investigation of any case in which confession was considered tantamount to guilt. In a wing upstairs of this old palace were the female wards. There were twenty-five women in confinement on the day of my visit, two of them being positively "incorrigible." In one room in the female quarters there were thirteen slave girls, some purely Negro, but the majority more or less "Aryan-lipped" and comparatively fair. All these had run away from their masters and had thrown themselves on the protection of the police, who placed them in honourable confinement until some respectable citizen gave them employment. I was informed that domestic slavery was virtually abolished in Egypt within the last two years, and that any slave dissatisfied with her master could run away and find protection from the police. The slaves were, as a rule, however, so well treated that few availed themselves of the privilege. In this Greek officer's household there were four or five, who had been in his family for periods varying from ten to thirty years, and were well treated and contented. At times boat-loads of slaves were captured on the Upper Nile and taken to Cairo, when they were sent to jail until arrangements were made for their ultimate disposal. As Sir Samuel Baker's expedition advanced beyond Gondokoro, the captures became fewer, and there had been none within four months prior to my visit. If the present Pasha has not literally abolished slavery, he has given ample security that slaves are not to be ill-treated, by giving them an opportunity of availing themselves of their freedom if they choose to do so.

There were six Europeans confined in the Cairo jail. Their rooms (they had no resemblance to cells except from the strong iron bars in the windows) were on the first floor, approached by a narrow wooden staircase which sprang from a passage alongside

the stables of the police horses. These prisoners were Italians and Greeks, except one, who was a relation of the Viceroy and involved in an amorous quarrel, which resulted in murder. His destination was the Upper Nile. The doors were kept open, and as they all led into the same corridor, the inmates did not seem to lack good companionship. The walls of this corridor and of two of the rooms were frescoed with bacchanalian pictures done in charcoal, by some prisoner whose artistic training was evidently far in advance of his moral qualities. Capital punishment, though not legally, has been practically abolished in Egypt for the last three years. Transportation for life is the punishment for murder, and the convicts are sent up to the "White Sea" (as the Egyptians call Soudan), where they work in chains in the State quarries. This *Fashoda* is a sort of fiery Siberia, where fever and dysentery soon decimate the convicts, and is spoken of as if the alternative of the *guillotine* were preferable. Long-term European prisoners are sent to the *Haram Bey* in Alexandria. The jail staff in Cairo consists of a Darogah, a stout comfortable-looking Arab, in appearance and dress resembling an Indian Mahomedan, who has under him a jail writer and two warders. There are twenty soldier guards, armed with the *chassepôt*, and relieved every two days. A movement is on foot for building a new jail on the most approved modern and Parisian principles, so that in all probability the next description of it may be a copy of that of the *Mazas* or the *La Roquette*.

If the prisoners in Cairo are not poor, they are not badly treated, except from being overcrowded. The fault lies in the other extreme; there seems to be no appearance of discipline. Seventy prisoners were placed in one room and thirty in the other, and none of the number performed labour of any kind. Nor, at certain hours, were any restrictions placed upon the prisoner's movements so long as he remained within the gateway of the quadrangle. If he had money, everything the Egyptian heart could wish for was brought to his very door, and he could enjoy the luxury of protracted and noisy bargain-making with as many fruit-women and grain-sellers as presented themselves. One thing however as a co-religionist of the faithful he must eschew, no spirituous liquids being allowed to enter this model bazaar. But if he had half the ingenuity of his Indian *confrère*, he could smuggle a phial of *aqua vitæ*, or its native equivalent, in the heart of a pumpkin. In India, I have heard of spirits having been introduced in eggshells, so neatly closed that for many days the deception could not be detected. We are told by the Inspector-General, North-West Provinces, that the prisoners' wooden neck tickets have been hollowed out into snuff boxes, supplied on due consideration, when exhausted, from the contents of the

warder's baton. "Monkey pouches" are very frequently manufactured by keeping moulds of lead in the cheek for several days, and when the "magazine" is fashioned, as many as eight or ten two-anna pieces can be comfortably stored therein. Can the ingenuity of even the most ingenious any further go in the supply of things forbidden? No such inventive genius was requisite in transmitting anything into the Cairo prison. The quadrangle was crowded with relations and vendors of every age and sex, and no representative of the staff, except the sentry at the gate, was visible for some time after my arrival. I was most cordially treated, however, by all the officials, and in bidding adieu to the stout Darogah, I modestly told him that if he ever extended his Mecca pilgrimage as far as India, he might have an opportunity of seeing a system of jail administration, from which he might profit during the remainder of his professional career. He understood the reference, and laughingly told me that we had mostly Franks and other reasonable creatures to deal with, while he had wild Arabs of the Desert—"all of them," he said, "like untamed cattle."

Three days afterwards, I presented myself at the office of the Egyptian pro-Consul of Alexandria, armed with an Arabic document from the British Agent. After climbing a number of staircases and passing crowds of natives smoking and squatting *more Indico* in little circles and in a variety of postures, I was ushered by the *Commissionaire* into a room filled with clerks and subordinate officials, all of whom were smoking cigarettes. As a passing remark it may be mentioned that the Egyptians are, as a nation, the most inveterate smokers in the world. Clerks at the desk, shopkeepers behind the counter, soldiers on sentry, policemen on duty, beggars, effendis and alcadis, are seldom seen without their cigarettes. The British Consular Agencies were the only places whose rooms did not positively reek with tobacco smoke, and they are indebted to their immunity to the large "Notices" printed in the corridors and rooms, *No smoking allowed here*. I had to wait some time to get the required permission, as the chief, with true Oriental apathy, had gone to sleep even during office hours and was not to be disturbed. When my patience was completely exhausted, some one ventured to call him, and he received me very kindly. He asked a variety of intelligent questions regarding our Indian jail and hospital systems of management, and seemed to confess there was little worthy of imitation in Alexandria. He was an Italian by birth, and as we walked into the courtyard, we were surrounded by a motley group of soldiers who joined in our conversation without the slightest feeling of restraint. The permission countersigned, I drove with the *Commissionaire* to the *Haram Bey*, which the

Cairo officials had led me to understand was rather an imposing building. In this view I was disappointed, as the prison is simply an old hospital surrounded by an outer wall. There were only eight Arab prisoners, with sentences varying from two to five years, the shorter-term Arab prisoners being kept in a room underneath the police and treasury offices, where I had been to see the Chief Commissioner. The *Haram Bey* is mainly for European prisoners, of whom there were eighteen. These were all Maltese, Italians or Greeks, the English convicts being kept in cells close to the British Consulate, until an opportunity occurs of shipping them to Malta or England. Those who remained behind in *Haram Bey* seemed to have the best of it. They were allowed to retain their own clothing, and were fed at the expense of their respective Consulates. If they or their friends had money, they were allowed any extras they had an inclination for, including wine and tobacco. They have comfortable straw mattresses on the floor, on which they can, if they choose, recline the live-long day. No labour whatever is exacted from them, and if they are not unsocial or friendless, they are well supplied with books and newspapers. In one ward I found four of them engaged in an animated game of whist; some were smoking and others had their empty pipes laid by the side of their mattresses. But man does not live by bread alone, even though it be gained without the sweat of his brow. Two of these men spoke to me very bitterly about the irksomeness of their confinement. They did not belong to the "criminal classes," but were convicted on account of some drunken frolic. They would have forfeited their luxuries and tobacco, and have worked day and night, they assured me, for a fortnight's remission of their sentence. An assurance of this nature, often repeated and by convicts of various nationalities, leads one to protest against the superficial statement so current in Indian social and official circles, that so long as a prisoner is comparatively well fed and not burdened with work beyond physical endurance, his lot is rather an enviable one than otherwise to his unconvicted brethren. Lacking the ambition and energy of the Teuton, the native clings to his home with a fondness and a longing which is unknown to the former. As he plies the shuttle, or drags the lime-mill on its monotonous round, his mind is away at the *peepul*-shaded village and the mud hut where his "young barbarians are at play," and, however limited his intelligence or his arithmetic may be, he never fails to give a prompt response to any enquiry as to the termination of his sentence. The chorus of village children carried far into the night, the social *chillum* and gossip at the gable end and the minute details regarding each field and well and bullock, trifles to our seeming, are brimful of interest to the bucolic mind, and

having little food for reflection apart from these, he seldom ceases to think about them. The native convict, as a rule, is as different from a convict of the Aspell type, as potter's clay differs from burnt bricks. In the latter character, every type of ordinary humanity has been subordinated to brutish selfishness and an inveterate obstinacy, against which all moral incentives are powerless. To predicate such a disposition of the Hindu, is to contend against an ethnological impossibility. He retains about him relations otherwise unprovided for, not more akin to him than the "cousinship" of the Scottish clansman of the last century, whom our Aspell would have driven forth as the young eagles, to provide for themselves or disappear.

One of the Rubattino ships, in a little over three days, took us from Alexandria to Messina in Sicily. We had, as fellow passengers, a celebrated French comedian, an Italian *Prima Donna*, and a number of ballet girls. The tyrannical *mal de mer* developed qualities that one could scarcely have anticipated. In spite of his smooth shaven face and reputation for *bonhomie*, the comedian looked tragical, and the rest manifested some of those startling contrasts of character that in another phase of life led to the adage *in vino veritas*. We had English passengers glowing with enthusiasm at the recollection of their recent trips up to the Nile cataracts. Their talk was of Thebes, of Karnac, of the Memnonium, and "of temples, palaces, and piles stupendous, of which the very ruins are tremendous." Two young Dutchmen on board manifested opposite types of character as far as patriotism was concerned. One, a merchant, amazed us by expressing an ardent wish that the Prussians should seize his country, as it would more than double his trade, at which his compatriot (a member of the Acheen Civil Service) was furious. Another bone of contention between them was the disposal of the surplus revenues of the Dutch East Indies, which have always gone to supply the necessities of the mother country.

About midday on the fourth day we passed by the Coast of Calabria, its forest-clad Aspromonte not unlike, in outline and colour, the Bombay Ghauts. In the evening we cast anchor off Fort S. Salvatore close to Messina, and after the usual discussion, with extortionate boatmen, found rest in the Victoria Hotel. The view from the Telegraph Hill above Messina is one of rare fascination. Fifteen hundred feet above the Bay, one can see, without moving a step, when facing the Calabrian Coast, Stromboli, half-hidden in a dreamy haze on the left, on the right the sea-shore stretching with many a curve and bend towards Taormina, and in front beneath lie the Straits dotted with sails, which in this calm sea "float double, sail and shadow." Underneath one's feet, is a rich carpet of grass (a sight above all else fascinating to

an Anglo-Indian) thickly interwoven with euphrasias and daisies, which in large patches is almost obscured by the heather. This heather is of a different species from that of "Caledonia stern and wild," but apart from association it has an equal beauty of its own. Behind lies a backbone of hills stretching towards the south and culminating in Mount Etna as its *vertebra prominens*. From this headland one can see the arena of many a sanguinary battle, from the early days of the Punic conquerors of "fickle faith" to those of Garibaldi's adventurous invasion in 1860. The bracing freshness of the air seemed to expand minute vesicles of the lungs that had been for years in a condition of collapse under the tropical heat, and produced a stimulant effect, that, like other more material ones, had no painful reaction. The scene in its details was also full of interest. The hills were dotted with sheep and very longhaired goats. The shepherds wore mocassins, and worsted night-caps with a long *cul de sac* dangling behind, which contained the day's supply of food and tobacco, and rendered them independent of havresack or pockets. We met numbers of high-wheeled country carts, the panels adorned with pictures of the Virgin, and the respective owners' patron saints. The carts were drawn by handsome mules each over fourteen hands high. To the shaft was invariably attached a bundle of grass which the mules continued to enjoy as they stepped along, a slight compensation in this "*via dolorosa*" for a very steep ascent and a heavily laden cart.

The prison at Messina has been, till of late years, a fortress which commanded the town. It contained about 350 prisoners, thirty-three of whom were women. The best possible arrangements have been made to convert the building to its new vocation, but the low bomb-proof roofs and narrow tortuous passages, necessitated by the original intention of the building, render it difficult to attain the light and airiness required by modern sanitation. The prison is, besides, very much overcrowded, there being scarcely room to walk between the beds, although drafts are regularly sent off to Palermo of the longest-term convicts. There are five soldier-sentries on duty day and night with loaded rifles, in different parts of the building. These are relieved every week from the town garrison. In addition to them, there are twenty permanently retained warders. There is no classification among the convicts, nor are they separate from those under trial. Among the latter was one man who has not probably been exceeded in the sum of his iniquity since the days of Nero. This ruffian, who seemed to me perfectly sane, killed his own father, mother, sister, and a friend who attempted to rescue them. The murders were cool and premeditated, owned to by him, and amply justified to his perverted judgment by the provocation he received. This man was confined

in the *donjon* of the fortress with four others, and with all my experience of his class of every grade of iniquity, I could not, judging from his physiognomy alone, select him from the number as the savage delinquent I was told of. I have known very shrewd physiognomists, in visiting a lunatic asylum, mistake a keeper for a patient, and an inmate in the pensive stage of *dementia* for the keeper. In this case, however, the keeper, by a previous understanding with me, asked him for a glass of water, and it was disappointing to my powers of discrimination to be obliged to confess that I should have otherwise taken this man for the most humane of the five confined within the keep. The female prisoners knit stockings; the men do no labour of any kind.

This fort, by the way, was very much battered during the bombardment of 1848. My interpreter was one of its volunteer garrison, and he pointed out several shot-marks in the merlons and bastions. The cicatrix of a shell-wound in his own arm showed that he had not shrunk from his share in the national struggle. To an Anglo-Indian, who had been taught as an axiom that political security is dependent on prosperity and intestine peace, it was a subject of considerable afterthought to hear this man expatiate on what he called the "resurrection of Italy." Now that his country has risen from the dead, his taxes are doubled, he has to pay a double price for wine and animal food as compared with the Bourbon times, and still, poor man though he is, he is an enthusiastic admirer of the unity of Italy and of "freedom of speech." Not only from his case but from many others of his social standing, has the conviction forced itself upon me that men will sacrifice material advantages of a very solid quality for the sake of a sentiment which, to a superficial view, seems to have its main outlet in an "*insanabile cacoethes loquendi*." The more important result of constitutional government such as freedom from arbitrary arrest and an impartial trial, to their thinking loom in the haze of a distant background and cannot yet even be safely predicated.

The railway route (a journey of three hours) between Messina and Catania lies along the sea-coast and is extremely picturesque. It passes through a succession of tunnels; in some places one is met with every quarter of a mile, as the steep vineclad hills abut upon the sea. Thriving villages and ancient castle-ruins alternately bring the present and the past in a rapid panorama before the eye. The ancient keeps on the bluffs to the left have each their history extending from the Moorish days to those of Ferdinand the Just,—stories of sacks and sieges alternating with the tender romance of feudal times. Taormina (the ancient Tauromenium), nestled high up on the slope to the right, reminded me of the

villages planted on the Black Mountain chain in Agrore. As in India, we pass localities saturated with malaria and bridges lying high and dry from the shifting of the fickle rivers. Before coming into Catania, we saw Naxos, and on the left, standing out from the sea, the seven rocks which the blinded giant Polyphemus hurled after the "much-enduring" Ulysses. Next to Palermo, Catania is the most populous city in Sicily, and contains nearly 70,000 inhabitants. Its houses are mainly built of lava (in appearance like black "whinstone"); the soil is disintegrated lava, and the streets are paved with it. Lava is, in fact, everywhere, and, gives an appearance of dusty griminess to the outside of the city, much like that presented by our great centres of coal consumption in England. Lava is nature's way of making bricks, and although there is no appearance of preliminary moulding, they are not deficient in the quality of being well burnt.

The city being, at least, thirty miles distant from the crater of Etna, one cannot help wondering how the fiery matter of the volcano could have extended thus far. But it has left imperishable records in the lava quarries that surround the city, and history has, even within the last two centuries, repeated and amply confirmed the geological evidence. Have we not seen with our own eyes how the molten lava must have poured down like a flood on the Cathedral of San Nicola, and how the Capuchin monks had its progress arrested by displaying the veil of the holy Sta Agatha, the patroness saint, because there like a wall has the glowing mass remained solidified within ten yards of the sacred building. The Corso, when lighted up, is one of the most picturesque sights in Europe. Its numberless lamps seen in a row extending for nearly two miles, shine with a softened lustre, in parts blending their light together, and rivalling in the brilliance and number of their clusters, the appearance of Princes Street from the Calton Hill of "mine own romantic town."

The prison at Catania is a large three-storied quadrangular block, with a courtyard in the centre. It seems to be a "standard plan" in Sicily, for the prison at Syracuse is an exact facsimile of it. It stands by itself, with a large open space all round. Its external windows are *louvre*, the *jhilmils* (as we should call them in India) only opening upwards so as to admit air and light, but no view of the street below to distract the attention of the convicts. The blue vault of heaven may be an object of interest to them, but not their fellow citizens in Catania. It did not seem to me, however, that they lacked such mundane comforts as wine and tobacco, nor the *dolce far niente* which Sicilians love, when neither duty nor the force of circumstances compel them to exertion. At each corner of this quadrangle externally, was placed an armed sentry, another being posted at the

main gate, making five in all to guard some 400 prisoners, of whom twenty-four were females. To attend to the internal economy of the prison, there were nineteen permanently entertained warders. The military guard was relieved weekly. The warders were remarkably smart, intelligent soldier-like men, the reason of which I shall be able to show when I come to the warder's school at Rome whence these men were drafted. The long-term prisoners, male and female, are sent to Palermo, only those under a five years' sentence being detained in Catania. For offences against prison law there are five solitary cells, none of them dark. Confinement to these, with a few days' bread and water, is expected to instill discipline and pliancy into the most obdurate. Flogging is unknown, and a perceptible shudder passed over the graceful frame of the Governor on my asking him if he had not the power to inflict it. When I informed him that we in India have a magisterial authority to inflict thirty lashes on summary trial and without any written record of the evidence, he deliberately surveyed me from head to foot, the picture of bewildered amazement. I think I have already mentioned that only in England and India is corporal punishment ever resorted to under any circumstances, and foreigners look upon our arbitrary powers of physical castigation in the light of a barbarous relic, much as we do upon the ordeals and thumb-screws of Egypt. Flogging, like blood-letting, is in some cases a necessity, but one which ought to be resorted to sparingly and with much discrimination. There are in England and also on the Continent brutal natures whom only the lash can reduce to the refinement of even the elements of obedience—men who understand no mercy themselves, and to whom little can be shown. An Italian brigand, a Lancashire wife-beater and a "black country" rough who pours quicklime into wounds he has himself deliberately inflicted, are too pachydermatous to yield to any influences less forcible than the "cat." When the "mild Hindoo" is concerned, the case is different. Stubborn he often, lazy and apathetic he always is, but a milder stimulant than the lash might more frequently with advantage be had recourse to for such venial delinquencies. If prison superintendents in this country were allowed to inflict no more than ten lashes as a maximum for each offence, without sending an abstract of their reasons and the evidence on the whole case to their Inspectors-General, it would be a corrective not only to an irritable temper, but, in many cases, to a deficient, because a hastily-formed judgment. The maximum alluded to generally suffices as a corrective for the petty offences that daily occur where the guards are as venal as the convicts. Anything beyond is as dangerous to life as it is disproportionate to the offence. One case bearing on this

subject came indirectly within my own cognizance, and it has made an indelible impression upon me. A pensioned non-commissioned officer of the native troops, who had been in our army against the Mahrattas at Maharajpore, and in the two Sikh campaigns in which Soobraon, Chillianwallah and Guzerat (the Waterloo of India) were fought, had become involved, many years after his retirement, in a village squabble and fight with *lathees*. In India these are as common, and generally as harmless, as a shillelah affray at Dounybrook Fair. Some field boundary or water-course dispute, and not *potheen* is the *casus belli*, and it happens occasionally in the heat of the conflict that one of the belligerents drives in an opponent's skull with his iron-bound club. The man I have referred to was sentenced to a few years' imprisonment for some such offence, and had done his work quietly and well in prison as became his almost life-long discipline. For some jail offence (a squabble about a piece of tobacco that had somehow, in spite of "rules and regulations," found its way into the prison), he and another man received thirty lashes each. This was too much for the old veteran, the cuts became sloughing ulcers, and in spite of the utmost care, nursing and diet, the "rattan" finished him off in about three weeks. It seemed hard, after having successfully gone through so many storms of Sikh grape, to have died like this. The case was purely accidental, but the system lays itself open to such accidents as I have stated.

On the Continent flogging is never resorted to, and in England only by the prison directors as a *dernier ressort*, when dark cells, half-diet, and other punishments of a more humane character, have failed to bring the convict under due submission. In India it is too severely, and, it is to be feared, too thoughtlessly inflicted, although Superintendents are little to blame so long as public opinion takes the amount of corporal punishments as a fair index of discipline. I have hinted at a practical remedy for checking this unrestrained license, and the conviction forces itself upon me that, without the slightest relaxation of essential discipline, it will be a step in a direction more in accordance with the letter of humanity and with the spirit of the present century.

In Catania no task work is exacted. Out of the 400 convicts, probably not more than thirty perform labour of any kind except cleaning out their own wards. About ten of the number were shoemakers, who paid a certain percentage to Government for tools, &c., and the balance they were entitled to as the fruit of their industry, of which they might expend a certain proportion in luxuries, such as wine and tobacco. Others made straw hats, work-baskets, and fine screens, some of which were very tastefully ornamented with coloured wools. In Roman Catholic countries the national artistic taste is mainly expended on the prison chapel and hospital.

These are generally ornamented with flowers, the latter having either in wood or stone an effigy of our Saviour on the Cross. The æsthetic effect is very much counteracted, to our appreciation, by seeing in many cases a huge daub of paint representing the "wounded side." The chapels have neither rich frescoes nor marble baldachinos, but there is a neatness and unadorned beauty about them which is very attractive. Nuns attend exclusively to the sick of their own sex, and occasionally they act as female warders. It is impossible to over-estimate the beneficial effect these volunteer nurses and warders have over those entrusted to their charge. Ladies generally by birth, and always by training and association, practising no small amount of self-denial, they bring with them an example of gentleness, refinement and self-abnegation which cannot fail to have a beneficial influence. Going into the female quarters in Italian prisons seemed to be entering into a purer moral atmosphere than one could anticipate among the same social class outside the prison walls. There seemed to be an air of almost religious asceticism pervading every room. Paintings and effigies of the crucifixion were on every wall, alternating with moral texts and photographs. The floors and furniture were the perfection of method and cleanliness. The inmates were quiet, orderly, neatly dressed, and engaged in some mechanical occupation, while the nuns in charge with the most marked good breeding explained all about the prison and its inmates to the inquisitive stranger, who could not help thinking that if any hope of reformation remained for those outcast women, it would be mainly founded on the influence which these amateur "warderesses" exercised over them. In some of the smaller prisons there were no nuns in charge, and the difference was very marked. The women were engaged in weaving stockings, but as that did not seem to interfere with unlimited talking and gossip, they made no complaint regarding the severity of the employment. In Sicilian prisons it seems to be reckoned unsafe to place lethal weapons in the hands of the convicts even at meals. As in the maniacal wards of lunatic asylums, they are only allowed wooden spoons and forks. The sick, however, are allowed "cutlery" of a harder grained wood. On Sunday in Catania all the prisoners enjoy the luxury of about one-third of a pound of meat. On working days those who are unprovided with private means or who work at no trade, are allowed only bread and vegetables. Sunday is therefore looked forward to with great eagerness, not so much as a day of rest, as a day of good feeding. As regards food, they are without doubt kept on short commons, but as the same may be affirmed of their labour, there is a sensible co-ordination between the two. The points most open to criticism are a want of a proper system of classification and reproductive labour. The

political prisoners (of whom there is a large proportion in most Continental jails) were kept separate. They wore their own clothes, were better fed and attended to, and allowed books and writing materials. But the under-trial were in the same wards with those already convicted, and there seemed to be no criminal division of the prison population. The governor complained of the difficulty in preserving discipline in those wards in which the convicts and these under-trial were mingled together. The latter have the privilege of seeing their friends every day, and as the "course of justice" in Sicily is very slow (prisoners being often kept for five months before they are tried), a number of very pleasant acquaintanceships are formed between the provincial convicts and citizens of both sexes. With regard to organized labour there are no workshops, nor beyond the simple tools required in shoemaking and straw-plaiting, are any mechanical requirements placed at the disposal of the prisoners. It has not become an axiom in Italy, as it has in England, that with convicts as with children, the enemy of mankind "finds mischief still for idle hands to do."

The railway journey from Catania to Syracuse is not only interesting from its scenery, but from its classical associations. It traverses at first the plain which was called by Cicero "*pars uberima Siciliæ*," and is to this day the granary of the island. The fields are in some places bounded by cactus hedges well-known in India, and called by the Sicilians the "Indian fig." The fruit is sweet but without *bouquet*, and is in much request by the poorer classes of the inhabitants. On the right the Lake of Lentini is passed, the largest in Sicily and famous for its fish from very ancient times. At Mellili the modern representative of the Hyblæan honey, famed of old, may be obtained, but it is doubtful if it still retains its ancient renown. *Moscatò* might be considered a more befitting indigenous successor, and it is certainly more in accordance with the exigencies of railway travelling. The modern Syracuse is almost entirely confined within the boundaries of the Island of Ortygia. In the olden time it was 21 miles in circumference, and the classical scenes that visitors are brought to see are in the suburbs, excepting the fountain of Arethusa which is near the modern harbour. I need only remind the reader of the richness of the historical associations connected with Syracuse,—the tomb of Archimedes, the "ear" of Dionysius, the huge quarries in which the Greek captives were chained to work, the theatre and amphitheatre, and above all, those magnificent catacombs, as much superior in size and appearance to those of Rome as a carriage road is to a foot path. The prison at Syracuse, being analogous to the one at Catania in appearance and administration, requires no special mention. It contained under 300 prisoners, most of them being

short-term. To the sportsman Syracuse offers about the best quail shooting in the world, and numbers of English and French come annually in the spring to enjoy it. Circumstances (among which brigands were included) prevented our going to Palermo; so returning to Messina, we sailed in one of the Florio Company's steamers to Naples. The passage is performed in one night's steaming.

It was a cold foggy morning when we entered the Bay of Naples, and we were not therefore in a position to appreciate the acknowledged beauty of the scene. The city is the most populous in Italy, but as far as its prisons are concerned, it has not emerged very far from its degraded condition under the Bourbons. From this statement the female prison must be excepted. It is badly situated, in the very heart of a closely packed city, but its neatness and good internal arrangements deserve every commendation. It is entirely under the subordinate management of nuns, evidently well-educated ladies. There was a classification of the prisoners, partly founded on their crimes and partly on their jail character, and the under-trials were kept quite aloof from those already convicted. The whole number was 180, but of these a large proportion were imprisoned for short periods in connection with breaches of the "Contagious Diseases Act," which seems to be rigorously enforced in Naples. These women are of course kept entirely secluded from the rest of the inmates, and have a hospital of their own. In this prison they perform laundry work for the other prisons of the city, and also for some Government hospitals, so that the convicts have sufficient employment. One under-trial prisoner was pointed out as a lady of good social position who was for years engaged to be married to a Neapolitan officer. He subsequently became engaged to another lady, and on his determined refusal to carry out his promise to the first *fiancée*, she stabbed him through the heart in his own drawing-room. The male prison is under the court-houses, but I saw nothing in it deserving of record. A new one is to be built as soon as funds are available. Meanwhile all the long-term (or galley-slaves, as by a strange anachronism they are still called) are sent to Palermo, Paestum, and the Island of Nisida opposite the promontory of Coroglio close to the city. This island, although a small one, contained several villas in the Roman times, and to it Brutus retired for a time after the murder of Cæsar, until he set out for Philippi. From Nisida the galley-slaves are ferried across to the main land at Pozzuoli where they work in the lava quarries. They work in chains, and are guarded by half-a-dozen rifle-men posted on the quarry banks, in addition to their ordinary warders. The convicts average about 200 and are mainly Calabrian brigands, an unpleasant gang to look upon.

The last prison I saw in Naples was empty, but its final closure was a tragic one. It was the prison under the Forum of Justice in Pompeii. At the upper end of the Forum were the vacant seats of the judges, and behind them was the dungeon, where two prisoners were chained on the night of the eruption. There was a hole in the roof through which food was thrown down to them, and the decision of the tribunal was communicated through the same aperture. There the scoræ and ashes of Vesuvius also found admission, and it was perhaps better, as the inevitable had the sooner arrived, that their tugging at the pitiless fetters proved ineffectual. At the resurrection of the buried city the two corpses were found lying side by side in chains.

After going round the various prisons, our spare time was devoted to the city and neighbourhood. Not rich in historical recollections, its situation and surroundings are such that few cities in the world possess greater elements of interest. In a day's excursion one can climb Vesuvius (and see nothing on account of the mist as happened in my case) and visit the ruins of Pompeii. In another day the classic shore of Baiæ, Lake Avernus, and the Styx, the miniature volcano of Solfatara which emits about the same quantity of hissing steam as a locomotive boiler, and the Grotto del Cane with its poisonous vapours, may be visited without fatigue even by ladies. Two more days will admit of visits to the museum, the theatre of San Carlos (perhaps the largest on the Continent), the most interesting churches and the convent of St. Martin. From this convent and the adjacent castle of St. Elmo a view was obtained of the Bay from Ischia round by Capri to Sorrento and Vesuvius. The sea was enveloped on the horizon with a shimmer of haze which, like the gauze before *tableaux vivants* refined the objects seen through it, and left the imagination to create ideal pictures which in charm of forcible impression in certain moods exceed the reality. If in this busy and very utilitarian age the sentiment involved in the expression *vedi Napoli e poi mori* is allowable to anyone, it surely may be to an Anglo-Indian!

From Naples to Rome is 160 miles. The Italian "express" takes nearly eight hours to accomplish the distance, a lower rate of speed than even our Indian railways attain to. When Rome became incorporated with the kingdom of Italy, the judicial and criminal administration most urgently required reform. Prisons being as essential to good government as tools are to a workman, were either not available or of an inadequate character, and they, no more than Rome itself, could be built in a day. But in a short time prisons were found which, before the union, had passed by another name. The inmates of the convents were turned out as drones from the industrial hive, and the buildings turned into jails. It is wonderful how few alterations were required to adopt them to their

new vocation, and one can scarcely avoid feeling a certain amount of pity for those whom the fervour of youth and mistaken zeal made voluntary prisoners in these dull-looking cells. The new prison on the Vatican side of the Tiber was a convent, and all the alterations that have been effected since its "carnal" transformation, have tended towards promoting the health and physical comfort of its new inmates. The sanitary arrangements were particularly defective.

The institution of a college in Rome for training warders shows that the Italian Government has earnestly set its face in the right direction towards prison reform. This building was likewise a convent and is close beside the new prison. At the time of my visit 150 young men were under training, selected like the English Army Hospital Corps, from the most promising of the line soldiers. When they have passed successfully through the course, they are drafted off, as vacancies occur to the provincial and Sicilian jails, under eight years' contract of service. As warders they receive 500 francs per annum, with clothing and rations at reduced rates. This, in Italy, is considered very good pay, so the Government easily obtains recruits of the best quality. At the college the course of instruction varies from six months to one year, depending on the individual's capability to pass the required examination on his professional duties. In the morning the recruits are drilled for a couple of hours, they have four hours daily at school, and four hours are devoted to learning the practical part of their work at the new and Termini prisons. There is an armoury, clothing and storage rooms, with hospital and dead-house, attached to the building. The nuns' garden has been transformed into their parade ground. The discipline is strictly that of a soldier. There is a common dining-hall, and the sleeping-rooms are like our tarrack-rooms. As a whole the men had a fine soldier-like appearance, and though deficient in education, they must have been selected from their appearance of natural intelligence. To us it would seem novel and rather incongruous, to see about fifty grown up men arranged on benches like children in a school-room, learning their letters from a "black board," but such was the case on this occasion. In the Papal States (less so in the kingdom of the two Sicilies), the education of the common people had been very much discouraged. In rural villages, whence recruits were mostly obtained, only the priest, notary and physician, were presumed to possess even the elementary knowledge of reading and writing. In Northern Italy education has been more prevalent, and the Piedmontese soldiers are educationally on an average with our own. The suggestion has occurred to me that our district jails in India might be improved by establishing warders' training schools in connection with our central prisons. We have

already on the staff Hindee teachers who could also teach the recruits to read and write, police jemadars to teach them drill and that smart and soldier-like bearing that is as essential in a prison warder as in an infantry private. In a central prison they would have likewise the means of obtaining a wider experience in the management of masses of convicts, and in the details of manufacturing industries, all of which would ultimately tend to improve not only the discipline but the financial condition of our district jails. Subsistence allowance during the period of training would comprehend almost all the additional expenditure, and if each district Jail Superintendent had the right of nominating candidates in his turn, it would ensure that the guards would have every probability of serving in their respective districts with an infinitely greater knowledge of their profession and a smarter appearance than they can have at present.

The new prison, as I have already mentioned, is close to the warders' institution. It contained 180 inmates, including boys, debtors and political prisoners. Italy being in a chronic state of political fermentation, the last-mentioned class are well represented in every prison. The building has undergone a variety of sanitary modifications to bring it up to its modern requirements. Windows were opened in different directions and the ventilation considerably improved. It was by far the cleanest and best arranged prison I had hitherto seen, while the internal economy manifested intelligent administration. To guard the prisoners, there were thirty warders and five soldier-sentries—smart little men wearing a kind of sailor's hat ornamented with bluish feathers. They are invariably chosen from the Piedmontese regiments, as they are presumed to feel little sympathy towards the political prisoners.

In this jail I saw for the first time the "Wurtemberg Control Watch," which has been introduced into the N.-W. P. The hour-hand of the watch, as it revolves, carries with it a slip of paper on which the hours are printed. Near the handle there is a hole through which peculiarly-shaped keys find entrance to this slip and prick marks upon it, thus recording the hour when the keys were inserted. The keys are placed in the spots to be visited and the warder carries the watch with him to where they are fixed. In the morning the watch is unlocked, and a faithful record is obtained from the paper of the warder's negligence or vigilance as the case may be. The mechanism is extremely simple and ingenious, and cannot get out of order any sooner than an ordinary watch. Although a late invention, it is already extensively employed on the Continent not only in prisons but in hotels, banks and warehouses, where night-porters are kept. In this country its adoption in banks and shops, &c., would be invaluable, as being a more faithful index of the *chaukidar's* watchfulness than the pectoral sounds which,

in our primitive helplessness, we are fain to be satisfied with as a substitute. The cost, with a year's supply of slips, is only about Rs. 50; in Germany about 25 thalers.

From the new prison I went to inspect the Termini, the largest in Rome. It is a plain square-shaped and ancient-looking building buried in a closely packed mass of dwelling-houses, not far from the Neapolitan station. It is dark and gloomy, with subterranean crypts, in which are the carpenteries, blacksmiths' forges, and most of the industrial arts carried on within the prison. In the olden time it was a cardinal's palace, and the crypts must have been intended to subserve the same purpose, whatever it may have been, as the Cathedral crypts of the present day that are not as yet desecrated to secular employments. The convicts numbered about 600, watched over by thirty-two permanently entertained warders and assisted by detachments from the warders' training school. There was something like a successful effort to carry on systematic work in the Termini, this being the first prison I had seen in Italy in which it was even attempted. Some forty of the convicts were engaged in weaving various kinds of coloured cotton cloths, on looms almost as primitive as those we meet with in India. About thirty were employed as carpenters and coach builders, and a few more as shoemakers and tailors. There was a printing establishment in which twenty-three men were engaged. A number of presses were apparently not in use, for they were covered with dust and cobwebs. The governor admitted that there was a strong prejudice against interfering with free labour, so that he was obliged to refrain from competing with the labour market. There was no task-work exacted. A man's apparent industry was the gauge whereby his reward was measured, but one lira per diem was credited to each labouring convict of ordinary character, the balance of which, after deducting the price of his food and clothing, was given to him on his release. After a certain interval of approved good conduct a quarter *lira* additional is given, which the prisoner is at liberty to expend on extra diet and luxuries, such as wine and tobacco. There was no unproductive labour either as a judicial or prison punishment, treadmills and cranks being unknown in Rome. A course of fifteen days' solitary confinement on bread and water is expected to be successful in bringing the most headstrong to a proper condition of subservience to constituted authority. One important qualification must be noted, however, in drawing any favourable comparisons. In Italy offences against prison discipline must of necessity be rare where no task-work is exacted, where the prisoners are allowed the same food as infantry soldiers, and extra delicacies if they can either pay or work for them. Quarrels among each other and insolence to their warders form the

only temptations to offend that are open to them, and of these they do not scruple to take frequent advantage. In India work short of a severely exacted task, and the possession of tobacco comprehend nine-tenths of the offences daily reported and punished. These are conditions incident to convict life which cannot obtain in Continental prisons, luckily for their inmates.

One other prison remains to be described. It, too, like the one at Pompeii, is of the olden time, and is well-known as the Mamertine prison, about the only relic of the Roman kingly period that remains. The prison consists of two rooms or vaults placed one over the other. In the lower of the two tradition relates that St. Peter was confined, and it has been consequently a place of ecclesiastical veneration for centuries. It is almost certain that in this cell Jugurtha was starved to death (a punishment which he richly deserved) and Vercingetorix murdered by order of Julius Cæsar. The appearance of the dungeon even now is horrible. It is only about six yards in diameter, is dark, damp, and foul of odour. Like that at Pompeii, it has a hole in the roof through which the inmates were let down, and when it was not intended to starve them to death, food was also supplied through the same aperture. The upper chamber is larger and is now fitted up as a chapel dedicated to St. Peter. I have briefly described the Mamertine prison, as it is interesting to notice how far we have advanced in jail administration as in other matters. It is hard to say, however, whether the increased temptations to crime determined by the necessities of advancing civilization has not *pari passu* increased the number of criminals. Juvenal, in referring to this very prison, speaks with regret of the decadence of the happy times under the kings and tribunes when those two chambers were sufficient to hold the whole criminal population of Rome. But "*tempora mutantur et nos mutamur in illis*;" and the remark applies more forcibly to our own day than to his. In a future article we shall describe our visits to some of the French, English, German and Swiss prisons.

JOHN MACGREGOR, M.A.

NOTE.—Since the above went to press I have read a very interesting article on "Habitual Criminals and what to do with them," in the July number of this *Review*. I have only space at present to say that the writer's experience seems to have been acquired among the population of a sea-port town, who are as different criminally as they are ethnologically from the simple-minded agricultural races of Northern India.

J. M. G.

ART. V.—THE NINE-LAKH CHAIN, OR THE MARO FEUD :

BEING THE FIRST PORTION OF

The Lay of Alha.

THE original Alhkhand was no doubt, as appears from its name, a single book of Chand's great Hindi epic of the twelfth century upon the exploits of his master, King Prithi of Dehli. Whether it was the same with the Mahobakhand, or whether these form the groundwork of the two parts of the Kanauj collection, I must leave to the students of the ancient poem to determine. Those who are learned in Hindi must decide also how much of the old poem has been handed down to the modern minstrels, each of whom, probably, has gradually modernized the language and introduced his own improvements. The comparison would be interesting, and might help to throw light on the question how much of the original Homer survived through his rhapsodists to the days of Pisistratus ; but the Greek language and metre were far more conducive to permanency of diction than the Hindi, which is a loose measure and rhyme more like that of the Spanish ballads : while the manners of Greece probably underwent no such violent changes as those which have in these ballads not only planted Muhammadan barons, mercenaries and devotees along with the Hindu before the days of Muslim invasion, and filled the battle scenes with cannon, rocket and pistol, side by side with arrow and spear, but even have, evidently within the present century, added regimental officers, and sappers and miners to the other constituents of the armies. The differing versions of our English ballads preserved from the recitations of the minstrels of distant parts of the country offer a truer comparison ; but in their case we have no original standard for reference ; and I shall not be surprised if little is to be found here of Chand's poem except the story, and even that with much variety and addition of incident.

The cycle of ballads which is collectively known as the Alhkhand, has only been printed within the last two years, and was reduced to writing for the first time from the version current at Kanauj under the instructions of Mr. C. A. Elliott, B. C. S., to whom I am indebted not merely for my introduction to the poems, but for a native translation in his possession, and some valuable notes and illustrations of his own, as well as for advice and assistance in my own share of the work. In fact the present portion of my version was written before I had had an opportunity of seeing the original, and what little acquaintance I ever possessed with the vernacular and folk-lore of India was acquired in the provinces of Lower Bengal.

The Nine-Lakh Chain, or the Marò Feud. 305

It will be seen that I offer this contribution not to the antiquarian or philologer, but to the student of folk-lore. It cannot but be interesting to know something of the tales which, next to versions of the great Sanscrit epics, and perhaps I should add the adventures and transmigrations of the great King Vikramaditya, are the favourite subject of recitation at all Hindu gatherings throughout the middle and lower Duab and Bundelkhand. The memory of the heroes Alha and Udan is yet preserved at their native Mahoba, where a clan of Banaphars still claims them as ancestors, and where the ruins of their pleasure house are still to be seen towering on one of the hills above the beautiful Madan Sâgar Lake, (and indeed most of the antiquities are attributed to them by the less instructed peasantry). This is even more the case in the seat of the other school of Alh singers, Kanauj, the land of their exile, where I suspect the hereditary jealousy of Dehli is still cherished, and King Prithi depreciated and his rivals exalted in proportion.

I do not profess, therefore, to give a perfectly literal translation, though, I believe, my version is quite near enough to show the spirit of the original. Indeed, I think my variations are chiefly omissions of catalogues of weapons and the like, reduction of the lists of casualties reckoned by lakhs to rather more possible numbers, and compression of the accounts of battles. After all I am afraid there is a great deal of monotony in these last, but I suppose it is scarcely avoidable in the description of a series of combats; even those in Homer have a strong mutual resemblance. It will be remembered, too, that the ballads, though bound up together, are recited by the minstrels on separate occasions, and no doubt come with all the interest of novelty to the unsophisticated audience.

It will, perhaps, be convenient if I give here a list of the *dramatis personæ* concerned in the first section of the poem, not forgetting those important characters, the animals on which they ride. I premise that I shall not repeat the quantity of the vowels in the verse itself, and that while the syllables of Hindu names possess quantity, they have no true accent. Thus Mâhîl or Mâhil is introduced according to the exigencies of the metre. Many vowels are at times made nasal, *e. g.*, Todar or Tondar, Mâro or Mâron, and an *i* is often inserted, as Parmâl or Parimâl.

Chandels of Mahoba.

Parmâl (Paramârdi), the king.

Malhnâ, his chief queen.

Bramhâ or Brahmâ (Brahmajîta), their son; his horse, Harnâgar.

Chandrabel (Chandrâbal or Chandrâvalî), their daughter.

Jagnik or Jagnaik, their nephew. These two do not appear in the present portion.

Rūpnā, the herald.

Indā, the barber.

Mirā Talhan, the Saiyid, the Muhammadan leader ; rides on the Lioness.

Ali, Alāmat, Daryā Khān, &c., his sons.

Banāphars.

Dasrāj ; his elephant Pachśāwad, and his horse Papīha.

Bachrāj.

Rahmal.

Todar.

These are four brothers, but the last two are barely mentioned, though the son of one makes an important figure.

Devī, wife of Dasrāj.

Alhā or Nun-ālhā, their elder son, and his horse Karilyā.

Udan, (Udal) or Uday Singh, their younger son ; and his horse Rasbendul or Bendulā.

Birmhā or Brahmā, wife of Bachrāj.

Malkhan, Malkhān or Malkhay, their elder son, and his mare Kalmī.

Sulkhan, their younger son, scarcely mentioned.

Dhewā, son of Rahmal, the astrologer, and his horse Manurthā.

Tomar, son of Todar. Nothing, I believe, related of him.

Lakhā, dancing girl of Dasrāj.

Naibā, attendant of Devī.

Parihars of Urai.

Māhil, rides on the mare Lillī (blue).

Abhai, his son.

Baghels of Māro (or Mārau).

Jāmbai or Jāmbay, the king.

Kushlā, his queen.

Kariyā or Karinghlā.

Sūraj.

Anūpī or Anupī.

Todar Mal.

Bijaisin (Bijaisīni) or Bijmā, his daughter.

Jhilmilā, her guru or preceptor.

Rūpā, attendant of the queen.

Rangā }

Bangā } Two Pathān allies.

} His four sons—at least, I suppose, Todar Mal is one of the four, though he is never directly called so.

INTRODUCTORY CANTO.

This I strongly suspect to be spurious, though not from the want of the opening invocation, for it is admittedly incomplete and breaks off abruptly in the garden scene, verse 14 of the next canto, which begins really with the 32nd verse. (I have rearranged some of the verses and divided them differently to make the hiatus less evident.) The suspicious points to my mind are the following:—King Jambay has nothing to do with the raid which is carried out in defiance of his instructions. He appears afterwards as the bitterest enemy of the Banaphars.

Bijaisin, here not an infant, is still an unmarried girl some fifteen years after.

Mahil's spite against his own sister is perfectly unaccountable. It had afterwards at least the excuse of Udan's outrages.

Mira, who has already grandsons bearing arms before Dasraj is married, appears afterwards as a brother in arms of the latter, and was, probably, not very much older.

The wives of the Banaphars, here of noble birth, are afterwards said to be of the cowherd caste, and the family to be degraded in consequence.

The death of Dasraj took place at Mahoba according to one account, at Maro according to the other.

Though the geography of the ballads is somewhat vague, the whole incident would scarcely have been made to depend upon Mahoba being in the direct road from Baksar (Buxar) to Kanauj.

The foreign origin of the Banaphars is quite opposed to Mahoba traditions, in which they are said to have been the hereditary generals of the State, and at feud with the house of Mahil the hereditary minister; but, as the Mahoba legend makes Bachraj an ancestor of Dasraj, and Malkhan to be of a different family, we cannot accept this as a certain discrepancy.

The decisive point, however, in my opinion is the description of Parmal as the minister of Kanauj on leave in his own territories.

I do not think there is the least allusion elsewhere to Mahoba being dependent on Kanauj. Indeed, if any suzerainty was claimed, it was by Dehli. This, then, added to the extension of the Kanauj State to Baksar and the claim at least of sovereignty asserted over Maro, leads me to affirm without hesitation that the whole ballad was concocted at Kanauj as an introduction to the real legend. Still it does serve as an introduction of a sort, and for the sake of the story therefore I have retained it.

Where Maro was, I cannot say. It is certainly not Mārwar (Jodhpur), as is, I believe, assumed by the bards. Nor is it Riwā, the modern Baghelkhand. Its neighbourhood to and dominion

over Jhānsī,* I conceive to be a poetical embellishment, unless there is a second fort of that name. It was close to the Narmadā (Nerbudda) and on the further side. This may perhaps furnish a clue for identification to some one who is acquainted with that part of the country, which I am not.

WILLIAM WATERFIELD.

THE LAY OF AL

CANTO I.—THE MARO FEUD.

It fell upon the Dasahra † tide,
 When folk to the Ganga go,
 To King Jambay his son did say,
 As they sat in the fort Marò :—
 “ Now let me ride to Ganga’s side,
 To the Jajmau ‡ holy fair,
 Give the Brahmans a gift and make my shrift,
 As I bathe in the waters there.”
 His hand he caught—“ That Jajmau ghāt
 Is in Jaychand’s § land, my son ;
 From the far sunrise to the western skies
 Doth Jaychand’s lordship run.
 “ Twelve years my Maro fort I keep
 And have paid no tribute in ;
 But thee will he cast in dungeon deep
 If into his land thou win.”
 “ The quarrel is thine, O Baghel Rai, ||
 The quarrel is none of mine ;
 But, if to Jaychand’s court I hie,
 I well may quit the fine.
 “ I will bear thy load as a good son ought,
 Since I am King Jambay’s heir ;
 But whoso shall bar me from Ganga’s ghāt.
 Himself my sins must bear.”

* Indeed the name of Jhansi only dates back as far as the reign of Jahangir.

† The great feast in October at the close of the rains, when kings go forth to battle and the exploits of Rama are celebrated.

‡ Jajmau on the Ganges, just below Cawnpur, which has now eclipsed the more ancient settlement.

§ King of Kanauj, head of the Rathor clan now settled in Jodhpur, and cousin and rival of King Prithi of Dehli. Their jealousies were the chief cause of the overthrow of the Hindu empire by the Muhammadans. This ballad, being the Kanauj version, loses no opportunity of magnifying its birthplace.
 || Prince.

The kettledrums sound and the trumpets bray,
Karingha hath his will ;
But he took no heed of his father's rede, *
So his journey shall be for ill.

Bijaisin fair came down the stair
To see her brother ride ;
"What bring ye back from Jajmau fair ?
What bring ye me ?" she cried.

"With a nine-lakh chain † will I greet thee again,"
So Kariya rode away ;
And he gave his gift, and he made his shrift,
And now will his promise pay.

He sought in the fair each rich booth there,
He searched each merchant's pack:
Quoth Mahil, "How ? and a King's son thou—
Dost chaffer for chains of lac ? ‡

"No chain of lac but a nine-lakh chain
I seek for my sister dear."

"A nine-lakh chain might a stout man gain,
And that with little fear.

"A nine-lakh chain my sister wears ;
Mahoba's Queen she light ; §
And there lives not a man in that Chandel clan
To buckle on belt for fight."

Far out in the east in Baksar || dwelt
The bold Banaphar crew ;
There was Bachraj tall, and Dasraj withal,
And Rahmal and Todar too.

And Mira Talhan the Saiyid ¶
In Banaras then abode ;
And by his banner nine stout sons
And eighteen grandsons rode.

Their clothes were black, their trappings black,
On horses black they rode ;
And black upon the Suiyids' heads
The Mughal ** turban showed.

* Counsel.

† That is, worth £ 90,000.

‡ Sealing-wax.

§ Is called.

|| Or Buxar on the Ganges, below
Ghazipur and Banaras (Benares).

¶ Descendant of the Prophet.

** Of course that Tatar tribe, the
Mughals or Moguls, was not heard of
in India till the invasion of Taimur
in the fourteenth century.

They met and fought on a border feud,
Then dressed them to ride straightway,
All to the court of King Jaychand,
Where in Kanauj * he lay.

And, when they came to Mahoba town,
The four Banaphars cried,
"What road is ours to Jaychand's court,
Where we are bounè to ride?"

"And what would ye do in Jaychand's court?
And why do ye ride so far?"

"O! we fell out on a border feud
In the fat lands of Baksar.

"We made good play with our swords all day,
Yet we were not a whit agreed;
So now to Kanauj we take our way
And there our cause will plead."

"Now listen my rede and take you heed,
For good is my rede I trow;
To Kanauj if ye ride, ye may three years bide
And yet no sentence know.

"But hither is come Parmal the King,
King Jaychand's viceroy he;
So plead your cause in the Chandel's court
And abide you by his decree."

Now void was then the gateway house,
And down they lighted there:
The four Banaphars took the right,
To left the Saiyids were.

They had not dwelt in Mahoba town
A day but barely four,
When Jambay's son with his braves each one
Came riding to the door.

"Ho warriors! hear, and my message bear
To these proud sons of the moon, †
That Malhna the Queen must do homage, I ween,
With her nine-lakh necklace soon."

* Kanauj on the Ganges between the most powerful among them.
Farrukhabad and Cawnpur, one of † The Chandels of Mahoba were
the most ancient cities of India, and said to derive their name and descent
shortly before the date of the ballad from the moon-god,

"We dwell in this place but for four days' space ;
Such message we may not bear,"

"Bring axes then to the gate, my men ;
So win we a booty rare."

Then axes were plied to the timbers wide,
Till beam and pillar shook :
Up rose the suitors from either side
And hasty counsel took.

"Four days have we drunk from the Chandel's well ;
Their shame must fall on us ;
'Twere better dearly our lives to sell
Than to lose our honour thus."

Wherever the ranks stood thickest,
The Banaphars' swords flashed out ;
What horseman charged the bravest
The Saiyids turned to rout.

They made a terrace of heads that day
And piled a heap of slain ;
So Kariya took his homeward way
Without his nine-lakh chain.

When the King Parmal and Malhna heard
What champions saved their State,
They greeted them well with grateful word
As they sat by the city gate.

They took their hand ands led them up
To Mahoba's palace fair ;
And where stood the throne of the moonsprung race,
They seated Bachraj there.

"Ye are lords of my milk, my son, and my wealth,"
To the brothers the Raja said ;
And captain of all his host of war
Stout Mira Talhan was made.

"Now hear, my lord, a womans' word,"
Queen Malhna then did say,
"Find them fair wives in the Chandel land,
And here will they dwell for aye."

Then King Parmal did the barbers* call,
And he gave the bridesmen's fee ;
And, "Who," he said, "hath daughters to wed,
Let him know there are sons with me."

* The barber is always the most important personage in marriage negotiations.

King Dalpat in Gwalior held his state,
He sent gifts to the Chandel's door,
His daughters Devi and Birma to mate,
And both one mother bore.

For Dasraj and for Bachraj
They were taken by King Parmal ;
Queen Malhna sang the marriage songs ;
'Twas joy and gladness all.

Beneath one roof two brides were made :
King Parmal brought them home ;
The Queen to her daughters welcome bade
At the gate of the painted dome.

The nine-lakh chain that day full fain
On Devi's neck she hung ;
The younger Queen a necklace gave,
And marriage songs they sung.

" Now hear, my lord, thy Rani's word ;
Our sons are fully grown ;
Scant room have they got in our palace, I wot ;
They need a home of their own."

So a hamlet a mile from Mahoba wall
They gave the Banaphars to dwell ;
And Dasrapur* to this day they call
Where Alha's birth befell.

For within that year did on earth appear
Of the stout Banaphar race
Alha and Malkhan, Dhewa and Tomar,
Four boys of a goodly grace.

Now from Mahil the news of Mahoba town
To Maro's fortress came :
On a midnight mirk came Karingha down,
And the hamlet he set aflame.

He stabbed Bachraj while the hero slept,
And he Dasraj' head did smite ;
And the treasures of price in the palace kept
He carried away that night.

The elephant Dasraj rode has he ta'en,
And Lakha the dancer sweet,
The caskets twain with the nine-lakh chain,
And Papiha the charger fleet.

* Or Dasharpurwa, a hamlet near Mahoba.

And he has fixed the Banaphars' skulls
On the gate of Marò wall ;
And the Queens did sing to his welcoming ;
'Twas joy and gladness all.

Yet within a month the widows bare
Sulkhan and Uday too ;
And these with Bramha, Parmal's heir,
Seven lads together grew.

CANTO II.—THE VENGEANCE ON MARO.

Ganesh,* with thee begins my rhyme ;
To thee I raise the psalm ;
Right early in the morning time
I praise the name of Ram.†

I sing to thee, Saraswati,‡
I worship Durga's§ feet,
Whose Kangra,|| spread with robes of red,
Glow down each stately street.

I duly bade the flower-maid,
Her mulsari¶ chain to bring,
For the Queen whose delight is in Dhauragir** height,
Who shall teach my lips to sing.

From the south she came with her eyes aflame,
And thundered along her way ;
Her trident she bare, and the flesh she tare
Of the demons she made her prey.

On a lioness she rode to the curst ones' abode,
Mahishásur†† and Raktbij she slew ;
As to *Kashi*‡‡ she did come, she struck the battle drum,
And the tyrants of the earth overthrew.

* The elephant-headed god of wisdom, invoked at the beginning of every undertaking.

† Rama, King of Ayodhya or Oudh, the modern Faizabad. The most popular incarnation of Vishnu in the Upper Provinces.

‡ Goddess of learning and poetry and wife of Brahma.

§ Wife of Shiva, also known as Kali the destroyer.

|| Kot Kangra, a famous fort in the mountains of the Panjab.

¶ *Minusops elengi*, the fragrant

white star-like flowers of which are much used for garlands.

** I suppose the same with Dhauragir or Dhawalgiri, the White Peak, the highest point of the western Himalayas. Durga is the daughter of the Himalaya mountain.

†† Mahishasur the buffalo demon and Raktbij, two Titans slain by Durga in the wars of the gods. Under her name Sárada she seems to have been the tutelary deity of Mahoba.

‡‡ A name of Benares.

FYTTE I.

It fell on a day as the boys would play,
 Quoth Alha to the Queen,
 "Of all thy sons, dear mother, say
 Am I not the swordsman keen?"

She laughed and blessed him where he stood—
 "Long live my dearest son ;
 My boys shall all be swordsmen good ;
 I drink* to every one."

Then the seven with robes did Malhna deck,
 On each wrist a bangle of gold ;
 A sword for each hand and a shield for each neck,
 Dakhni† turbans and plumes all told.

She called to Inda the barber,
 "Take these for my lord to see."
 Up rose Parmal and kissed them all,
 And gave them sweetmeats free.

But, when the court was risen,
 The Raja called the Queen,
 "Now woe to thee, O Rani,
 That thou let these boys be seen."

Queen Malhna cried, "Now do not chide,
 Sweet lord, nor hold this wrong ;
 Milk, sons, and riches who can hide,
 Or cage such eaglets long?"

A right good steed of the fairy‡ breed
 She hath given to each to ride ;
 "My swordsman boy shall I count him indeed,
 Who brings game from the forest wide."

They have ta'en their way ere break of day,
 They have spurred ere rise of sun ;
 Three watches they ride through the forest wide,
 But wild deer find they none.

* Only water, be it understood, but it seems to have been considered as efficacious as our drinking of healths in wine.

† Made in the South or, as we have called it, the Decran.

‡ This, be it remembered, is part of the spurious Kanauj addition. The Mahoba version is, that the horses

were won for Parmal by Alha himself, who delivered his master from a Gandharva (Southey's Glendoveer) or fairy king who used to outrage him. The fairy steeds were the prize of the contest. It will be observed that, when the heroes start on their expedition, they seem to be presented with their coursers for the first time.

They turned them homeward one by one,
They reached Mahoba gate ;
Only Udan, the youngest son,
Doth still in the forest wait.

"How can I go to Mahoba town
And before my mother stand ?
I have promised her game ; it were lasting shame
To go with an empty hand."

Queen Sarada* lo ! in the form of a doe
From a thicket beside up starts ;
And away they fly to proud Urai,†
And into a garden she darts.

And over the wall flies Rasbendul,
And on channels and blossoms treads ;
And his hoofs raise the dust in that garden cool,
And trample the dainty beds.

Quoth the gardener, "Now what Raja art thou
Or else what Raja's son ?
That in Mahil's despite, in the broad daylight,
This mischief thou hast done."

"Udan am I of King Parmal's town,
Alha's brother I wot ;
I have followed a deer for my mother here,
So I rede thee stop me not."[‡]

He spurred his horse and galloped by :
To the ghât Rasbendul flew,
All in the plain of proud Urai
Where the girls the water drew.

"Ho maidens, weary and hot are we :
So water my horse, I crave,"
"And who mays't thou be that askest so free
Of Raja Mahil's slave ?

"What dost thou here in proud Urai ?
And which way art thou boun' ?"

"Udan, Alha's brother, am I,
And I dwell in King Parmal's town."

* The name under which Durga seems to have been invoked at Mahoba—the giver of goodness.

† Chief town of Jalaun, between Cawnpur and Jhansi.

‡ Here breaks off the Kanauj fragment which I have called the first canto. The next seventeen stanzas are transferred from Udan's later adventure to conceal the hiatus

"Now listen my rede, and take with speed
 To Mahoba thy homeward way:
 Or Raja Mahil will seize thy steed,
 And send thee afoot to-day."

Then Udan's ire blazed up like fire,
 He snatched his pellet bow;
 With stroke on stroke the vessels he broke,
 As the damsels walked arow.

He struck his horse and galloped back,
 I wis* he never blant†;
 The maidens crying "Out alack!"
 To Mahil's palace ran.

"Now art thou a Raja, Mahil," they cried,
 "That Udan, Dasraj' son,
 At thy palace door hath flouted us sore,
 And broken our jars each one?"

An angry man was Mahil than,
 Seized Kalpit‡ paper in haste;
 Next the pen-stand he took in hand,
 And the title in order traced.

"Hear, King Parmal! thy servants rule,
 And curb these boys I pray;
 At my water-gate they breed debate,
 And break the pots each day.

"Since when is Udan a man of war?
 Since when has he buckled on brand?
 Has he vengeance wrought for his father's skull,
 That on Maro gate doth stand?"

The messenger rode and drew not rein,
 Till he reached Mahoba town;
 The camel knelt when he pulled the chain,
 Then slowly he lighted down.

King Parmal sate on his throne of state;
 It was wrought of the red, red gold:
 The court was thronged with a gathering great,
 And a slave did the chauri§ hold.

* I wis or I wot. I know, certainly.

† Lingered.

‡ On the Jamna, between Cawnpur and Urai, formerly the capital of the

province. It is still famous for the manufacture of paper.

§ The fan made of a Yak's tail, the ensign of royalty.

Seven paces off the messenger bowed,
Then the letter he gave Parmal ;
Troubled was the king as he cut the string
And let the cover fall.

His visage changed as the lines he read,
He took a gold-wrought reed ;
“ Let Devi’s son be as thine own,
But see my words thou heed.

“ Pots of gold, all duly told,
I give for thy pots of clay ;
But tell not the tale of Maro here,
Or ruin will fall that day.

“ Were the story told to Udan bold,
Dasraj’ true son is he,
He would fearless march to the Maro hold :
Then woe for the child and me.”

The messenger mounted his camel again,
And his way to Urai did take ;
Mahil cut the thread and the letter he read,
But never a word he spake.

Now* Udan the bold at twelve years old
All weapons of war he knew ;
When a month had gone by, he rode to Urai,
And two deer in the garden slew.

The gardener ran and to cry began
In Abhai’s wrestling yard,
“ Udan is here and has killed the deer,
And the vines and dates has marred.”

Forth Abhai rushed and loud ’gan say,
“ What ho, Banaphar’s son !
Thou goest not away till I make thee pay
For the mischief thou hast done.”

Down Udan came with eyes aflame
And hard he gripped Abhai ;
With broken arm he dashed him down,
And so he galloped by.

“ Mahil, arise, here Udan hies,”
The messenger cried in haste,
“ With a broken arm prince Abhai lies,
And the garden is all a waste.”

* The real commencement of the poem after the introductory invocation.

In wrath he called for Lilli his mare,
 And forth at speed he went;
 His son he raised with tender care
 And home in a litter sent.

And fast he rode to Mahoba town,
 I wis the time was short;
 Before the gate he lighted down
 And thronged was Parmal's court.

He called for a seat and placed it nigh,
 And bade him tell his tale;
 "What news," quoth he, "from proud Urai?
 And why is thy face so pale?"

"Why hast thou fostered Udan here,
 This gate to work me harm?
 He hath wasted my fruits, he hath killed my deer,
 He hath broken my son's right arm.

"If Udan be now warrior grown,
 Doth Jambay rule Maro?
 Who cast Dasraj in the mill of stone,*
 And wrought Daspurwa woe?"

"Lakha the sweet and Papiha the fleet,
 Pachsawad the elephant good,
 And the nine-lakh chain from Queen Devi ta'en,
 He ravished and none withstood."

"Hush! speak no word of Maro here,"
 Parmal made quick reply,
 "The son of Devi knows no fear,
 He would not dread to die."

Thereon came Udan in and cried,
 "My father who did kill?
 Tell me the truth and nothing hide,
 And is he living still?"

"'Twas at Pairagarh† in Silhath‡ far,"
 So King Parmal did feign,
 "And there we warred a mighty war,
 And there thy sire was slain."

* The mill for crushing sugar-cane.

† The far east of Bengal, now

‡ I do not know whether this is a under the Assam Government.
 real name or not.

" Now hear, Mahil, and soothly show,
Or bliss thy life forsake ;
What is the truth of fort Maro,
Whereof but now ye spake ? "

" To Devi go, and ask of her ;
I know but as others tell ;
Raghunandan was king of Pairagarh
Where thy father fought and fell."

Now Udan is come to the painted* dome,
His soul could take no rest ;
A dagger from out his belt he drew,
And held it against his breast.

" O mother, who is the king Jambay ?
And where is the fort Maro ?
Is my father's skull fixed there on high ?
I will die or the truth will know."

Quoth Devi the Queen, " Now hold thee still,
And be guided by me, dear son ;
But woe to Mahil, that counsellor ill,
Mine house he hath sure undone.

" The Maro King, full stark is he ;
Thou mayst not thole† his stroke."
" O mother, I cannot be ruled by thee,"
So Udan in thunder broke.

" There is nought that can quench the fire in my heart
Till my father's blood I wreak.‡ "
Queen Devi pressed the boy to her breast,
And proudly did smile and speak.

" These twelve long years that a widow I go,
My bracelets§ of wedlock I wore ;
When my son has avenged on false Maro
I may leave them on|| Sagar's shore."

* This seems always to mean the her marriage ornaments.
women's appartments.

† Endure.

‡ Avenge.

§ When the widow performs her husband's obsequies, she leaves off

|| The sea or any large water.
The great tanks of Mahoba bear the name, as many of our English lakes are called seas.

FYTTE II.

Devi the queen in haste arose
 And Udan with her led ;
 To Alha's court with speed she goes,
 And thus to Mira said :

"Thou wert a brother to my lord,
 Now teach his son to fight ;
 Udan no longer heeds my word,
 And I fear king Jambay's might."

Then out and answered brave Malkhay,
 To Dhewa thus did speak :
 "Now search thy books, our wise one,
 How we may our father wreak."

So Dhewa took his war-art book,
 And turned his Vedas* o'er :
 "Twill be ill for Maro if as Jogist† we go
 And spy out the land before."

They sent for cloths and dyed them red,
 They quilted them fold on fold
 (With pearls and jewels thickly shed)
 Both sword and shield to hold.

Their hats were set with the diamond clear,
 Their wrists had bangles of gold ;
 Earrings of pearl in every ear,
 And sandal-wood beads they told.

With a tambourine Dhewa, and Alha a drum,
 Mira the Saiyid a lyre,
 Malkhan a lute and Udan a flute,
 And well mote‡ the people admire.

A glamour they fling as their songs they sing,
 And of Rama they chant away ;
 Now, circling round, the glories they sound
 Of Parvati's§ marriage day.

Quoth Malkhan, "First of our mother beg,
 And if she know us none,
 We will dance before Queen Kushla's door,
 And the secrets of Maro are won."

* The Hindu Scriptures.

§ The daughter of the mountain,

† Wandering devotees and jugglers. a name of Durga, wife of Shiva.

‡ Might.

The Jogis came dancing into the court,
And they sang right lustily ;
By threes and pairs tripped down the stairs
The maids that sight to see.

Naiba ran back where Devi sate
All on a sandal chair,
"The prettiest Jogis are come to the gate,
As it Ram and Lakshman * were."

Queen Devi came to see the show,
And O ! but she was fain ;
"Whence come ye, Jogis ? whither go ?
And where will ye remain ?

"My heart towards you yearns ; I pray,
Abide ye in this land ;
Day by day, if here ye stay,
I will serve you with my hand."

"I am no Jogi," quoth Udan the bold,
"I am thy son, thine own ;
Nine months thy womb did my body hold
Yet me thou hast not known.

"Now will we beg at Kushla's gate,
And how shall King Jambay know ;
So stroke† my back and bless me straight.
I will quit my sire on Maro."

She stroked him thrice, she kissed his eyes,
And fondly did him halse‡ ;
"Now well I wot shall mine injuries,
Be wroken§ on Maro false."

She worshipped the might of the arms|| of the lads ;
Her marks¶ their foreheads wore ;
"When ye make you boune for Maro town,
My litter shall march before."

Now the Jogis five to the camp are come,
And they bade the drummer sound :
The betel** they gave, and he beat the drum,
And the troops came gathering round.

* Brother of Rama and his faithful attendant in his wanderings in the forest.

† A form of blessing.

‡ Embrace.

§ Avenged.

|| The strength of their arms, not armour.

¶ The sectarian mark on the forehead, affixed by a parent or superior.

** The accepting a roll of betel leaf ratified an engagement to undertake an enterprise.

And first they sent for the master of horse,
 And they gave him bangles free ;
 And they bade him saddle the wightest* steeds
 Were in all the south countrie.

They brought them steeds of all good breeds,
 From over the river, from either hand ;
 As pigeons flock when the housewife feeds,
 They drew to the camp from all the land.

Prancing, dancing, with hoofs in air glancing,
 They bathed them well and their saddles they dressed,
 With buckles of gold fair to behold,
 Silken girth and pearlen crest.

Juice of henna† in cups they strained,
 Saffron colour they mingled and plied ;
 Every tail was brightly stained,
 Every hoof was fairly dyed.

And next they the master of elephants called,
 And they gave him bangles free,
 And they bade him the strongest elephants bring
 Were in all the south countrie.

Of each good caste‡ like hillocks vast,
 They gathered them in and for battle dight ; §
 A velvet pad each tusker had,
 And a canopy sewn of the diamond bright.

Warriors four each howdah bore ;
 Better spearmen were none I ween ;
 Hangings they brought with pearls inwrought,
 And the pinnacles twelve were of golden sheen.

And then they called for the captain of guns,
 Gave plume and turban free,
 And they bade him bring the heaviest guns
 Were in all the south countrie.

Basilic|| bombard and culverin,
 Heavy of carriage, heavy of hall,
 Painted vermilion, came creaking in,
 And slowly they lumbered in front of all.

* Ablest.

† The plant from which is made the orange dye used especially for hands and feet.

‡ The different breeds are fully detailed in the original.

§ Prepared.

|| All ancient forms of cannon.

Then Udan the bold ranged his troops in line,
And he spake words of fire ;
“ No servants are ye, but brothers of mine,
If ye aid me to wreak my sire.

“ But mighty of arm is the Baghel King,
And strong is the fort Marò ;
So he whose wife is the dearest thing,
Let him take his pay and go :

“ But he who loves the warrior’s sword,
Let him march with Udan now.”
The Kshatris* hailed him with one accord,
And all of them vowed a vow.

“ We have eaten† the salt of the Chandel land,
Our feet shall never fail.”
Then each made ready his armour of proof,
And donned his shirt of mail.

Each on his head had a turban red,
And an iron cap also ;
With the hauberk‡ whereon no brand § would bite
They made a goodly show.

Then Udan and Malkhan to Kalka || Mai ¶
And the blue-throat god ** did pray ;
And on Sarada called Mahoba’s waid,
For help in the danger day.

And now in the hall of King Parmal
The five bow down and speak,
“ The salt of the King has entered our bones,
Now send us our sire to wreak.”

Then the King Parmal for five horses sent,
And all of the fairy breed,
Karilya first with Alha went,
Manurtha was Dhewa’s steed.

* The warrior caste used as a synonym with Rajputs.

† The well-known bond of loyalty in the East.

‡ Coat of mail.

§ Sword.

|| Kali, the terrific form of Durga or Sarada.

¶ Mother.

** Nilkanth, i. e., Shiva, whose throat was stained when he swallowed the flaming poison which would have consumed the world.

And Udan the bold did Rasbendul hold,
 And Malkhan Kabutri the mare,
 But Mira the Saiyid, that warrior old,
 The Lioness had for share.

And to Udan the bold a bracelet of gold,
 For a leader meet, gave he,
 "The Raja, my son, is a mighty one ;
 So walk thou warily."

"Father," he saith, "come life, come death,
 I still will face my foe,"
 He bowed to greet King Parmal's feet,
 And to Malhna's gate did go.

"Thou goest forth," Queen Malhna said,
 "When, Udan, shall we meet?"
 "Let eight months wax and eight months wane,
 The ninth I am at thy feet."

He hath taken his leave, he hath reached the camp,
 He hath bidden the drums to sound ;
 At the first drum-beat they sprang to their feet
 And saddled their steeds around.

At the second drum-beat they leapt to the seat,
 At the third they marched straightway ;
 They stayed not for darkness, they recked not of bent,
 They marched by night and by day.

And when they were come to the Maro land,
 Ere the seventeenth morning broke ;
 The day 'gan spring and the birds 'gan sing.
 And the harsh-voiced crows awoke.

Ere skies grew light the standard was pight*
 In th' acacia † woodland wide ;
 And steeds were unsaddled and men ungirt,
 And the elephant howdahs untied.

Three kos ‡ were elephants' tusk by tusk ;
 Three kos were horse and spear,
 Three kos were cannon and powder-bags,
 Three kos the foot in fere. §

* Pitched.

† The Babul or gum-arabic tree

‡ A measure of length, two miles

in some parts of the country, but
 much less in others.

§ Together.

Twelve kos the Banaphars' standards flew,
I wot they made good cheer ;
The tents were pight both red and white,
And they boiled the flesh of deer.

And here the bards their legends sung,
And the Pandits * their Vedas here ;
And here their clubs the wrestlers swung ;
And the dancers danced anear.

FYTTE III.

Ten mornings rose, ten evenings set,
Then forth burst Udan's fire ;
"What sleep art sleeping, Alha, yet,
And wreakest not our sire ?"

"Ho Dhewa, see for signs thou look,
How Marò we may quell."
Then Dhewa took his star-time book,
And thought the matter well.

"Take each his thick Bengali quilt,
So hide your arms," he cried ;
Then all the five took quilts belive †
Both sword and shield would hide.

They came from the tents with their instruments,
They played as slow they went ;
Their foreheads they painted with Rama's mark,
And their bodies with ashes besprent ‡

When Devi saw the Jogi band,
She rose in trembling fright ;
The golden censer she took in hand,
And all its lamps did light.

O'er every head she waved § it well,
Then set it on the ground ;
They joined their hands, at her feet they fell,
"Now bless the way we are bound."

"O dear ones, speed with wary heed,
For the Marò hold is strong ;
What God will mend is mended indeed,
But the mending taketh long."

* Learned, especially in the scriptures.

† Immediately.

‡ Sprinkled, an usual practice of devotees.

§ Supposed to ensure good fortune.

They touch her feet * and in silence part,
 So Udan leads the band ;
 From earth and its joys they loose their heart,
 And take their lives in hand.

And when they left the acacia wood,
 And drew to the gates anear,
 A fire did they light, and they cried with might,
 That every house might hear.

" Whence come ye, Sirs ? " cried the porters all,
 " Where dwell and whither fare ? "
 " We go to Hinglaj † and we come from Bengal,
 And we beg for our daily share.

" In each king's hall ask we alms withal,
 So your doors wide open throw."
 " Then we pray you wait awhile at the gate,
 Till your words to the king we show."

To Jambay's son did the messenger run,
 And cried in the palace there ;
 " At the gate there stand a Bairági ‡ band,
 No tongue can tell how fair.

" These youths shall I bring to my lord the king ?
 They may shew a merry game."
 Quoth Anupi, " Yea, let us see their play ; "
 So into the hall they came.

But, when they stood to hail the king,
 They raised their left § hands all ;
 The Raja was wroth at their ill-greeting,
 And he drave them from the hall.

But Udan thundered from the gate,
 " Look, Raja, to thine own ;
 Our curse is strong to mar thy State,
 Or shake thy father's throne.

" The hand that marks our beads || in tale,
 When Rama's praise we sing,
 With that no earthly prince we hail,
 Not an 'twere Dihli's king."

* The usual Hindu reverence to a parent or superior.

† A famous place of pilgrimage and pagoda on the coast of Khelat beyond the Indus.

‡ Wandering devotees.

§ A gross insult according to all Hindu ideas.

|| The rosary, used to mark prayers by both Hindu and Muhammadan devotees.

Then up and answered Todar Mal,
Who sat at the king's right hand,
"These Jogis well know charm and spell :
Strive not with the saintly band."

"Well," quoth Anupi, "tell your tale,
And have it as ye will ;
Then shall ye sport in the Rani's court,
And show them of your skill."

So Dhewa played his tambourine,
And Udan leapt and dancèd ;
Till all men cried that they there should bide,
So every heart was tranced.

"Jogis, O Raja," Udan said,
"Abide but for a day ;
To-day from thee we beg our bread,
To-morrow wend our way."

Then Anupi sent for silver store,
And bags he told them down ;
And now they have moved from the Raja's door,
And are come to Maro town.

And shrill at the gate they 'gan to call,
Till the porter asked their way ;
"We go to Hinglaj, and we come from Bengal,
And here for alms we pray."

"O Jogis, bide ye here with me,
The four dull months * of rain ;
And I will render for your fee
Whatever wage I gain."

"O porter, sure," bold Udan said,
"Thy wits are gone astray ;
To Hinglaj we wend for our journey's end,
And we count each hour's delay.

"And but that our belts of coin were bare,
We had not turned aside ;
Now go we to Maro's palace fair,
So fling thy portals wide."

An alms he cast as the gate they passed ;
So hie they up Maro street ;
And begging their way from house to house,
In the fifty marts they meet.

* During which no one is supposed to travel.

The stalls of sweetmeats, the shops of grain,
 To keep them none would stay ;
 As the Jogis danced, all hearts were fain,
 Both women and men that day.

They gave them a ring or a gold coin string,
 A necklace or else a shawl,
 And now they are come to the water-gate,
 Where the girls stood watering all.

Their hearts were tranced as Udan danced,
 And the marriage of Parvati sang :
 On head or in hand the pots did stand,
 Or down in the well did hang.

Now Rupa, Rani Kushla's maid,
 At morning time she came ;
 To afternoon the watch drew on,
 Yet stood she there the same.

"What shall I say for this delay ?"

She hastened before the Queen ;

"Past are three watches * of the day,
 Since thou at the well hast been.

"Now on thine eyes, and answer true,
 Has lover cast a spell ?

Or hast thou chosen a husband new
 Where thou stoodest by the well ?"

She joined her hands and prayed for grace,

"Now be not wroth, O Queen ;

The fairest Jogis are come to the place
 That ever these eyes have seen.

"Their colour is dark, their mouths are round
 As the fruit of the Coco tree ;

I have dwelt from a child on Maro ground
 Yet no such sight did see.

Their eyes like gazelles, the youngest danced
 Like the peafowl† in forest green ;

An my lady say, I will hasten straightway
 And bring them before the Queen."

"O damsel, are thy wits astray,

Thou tell'st a tale so wild ?

What form on earth," did Kushla say,

"Is fairer than my child ?"

* The watch is three hours.

† Always the simile for a light
 and airy step.

"O Rani, hearken my advice,
For all I say is true;
Might say these were come from Paradise,
Or had burst the mountains through.

"One touch of these Bairagis' feet
With bliss thy life had crowned."
So Rupa hastened to the street,
And soon the Jogis found.

"Why beg your store from door to door,
When Kushla calls you nigh?
Ask her a boon, her bounty soon
Would thrice your lives supply."

"What the sick desires, the leech requires,"
Thought Udan, "this our aim;"
And gladly all the Jogis rose,
And back with Rupa came.

But when they reached the outmost gate,
"I touch your feet," quoth she,
"I pray you, Jogis, a moment wait,
Till I my lady see."

Papiha there stood and the elephant good,
And Pachsawad wept that tide;
"That Devi's sons have shaven * their heads,
Do they yet worse fortune bide"?

Then Alha wept and quoth Udan, "Tell,
My brother, why weepest thou?"

"Pachsawad stands here and Papiha as well,
And both of them know me now."

"Brother, give leave," bold Udan cried,
"On Papiha's back to leap;
With our father's beasts to the camp I'll ride,
And them against all men keep."

But Malkhan checked him, "Art mad to risk
This stain on thy chivalry?
Were a Kshatri chief to steal like a thief,
He had broken his Rajputi.

"Take vengeance first for thy father's fate;
Then ride his steed that day."
So the Jogis came to the second gate,
And there the stone-mill lay.

Abandoned the world for a religious life—in desperation, it might be supposed,

Dark over head did a fig tree spread,
 And a skull its branches bare ;
 As underneath did the Jogis tread,
 The skull 'gan weeping there.

“ My sons would, I thought, have the Gaya* rites wrought
 And on Maro would vengeance vow ;
 But such claims are nought in a Jogi's thought,
 What hope from Mahoba now ? ”

When Alha heard, he wept at the word ;
 Then back turned Udan bold,
 “ Brother, why weepest beside the gate ?
 Or what in the tree dost behold ? ”

“ O brother, yon is our father's skull,
 Which King Jambay hung on the tree.”
 Then Udan leapt, o'er the skull he wept,
 And he kissed it tenderly.

“ With its kindred skulls shall this skull repose,
 Or be set beside the sea ;
 And vengeance I vow on my father's foes
 While breath in my nostrils be.”

With that came the maid, “ On the skull why gaze ?
 And why with weeping eyes ?
 No Jogis are ye, sons of kings must ye be,
 Though ye come in deceitful guise.

“ This word must I bring to Jambay the king,
 Who will cut you asunder straight,”
 Quoth Malkhan, “ Nay, O damsel, I pray,
 I will tell thee all the state.

“ There are goblins many lie hid in yon mill,
 A child is our youngest here ;
 And whiles they shriek and whiles they are still,
 So he started back from fear.”

“ O youths, ye have had a causeless fright ;
 No goblins are here to dread ;
 But a chief of Mahoba, Dasraj hight,
 Was hither a captive led.

* The capital of Bahar, a great place of pilgrimage, to which, as the Ganges, relics of the dead are carried when it is too far to carry the entire body.

" King Jambay crushed his bones in the mill,
And his skull on the tree hangs white ;
Now on Alha and Udan, his two sons, still
The skull calls day and night."

Quoth Malkhan, " Now pardon us, maid, we pray,
That we do not thy command ;
King Jambay Jogis will surely slay,
If before his Queen they stand."

" I pledge my word, my life for yours ;"
So through the gate they passed,
And they came withal by the crystal hall
To the seven-storied tower at last.

Casements of sandal the air did take,
Jewelled the posts of the rooms ;
Peafowl on roof and swans in the lake,
And the thatch was of peacock's plumes.

(To be continued.)

ART. VI.—A BIBLIOGRAPHY OF CENTRAL ASIA.

IN an Appendix to my *Notes on Western Turkistan*, there will be found a list of books and articles on the Central Asian Question. This list is, however, extremely defective and wanting in arrangement; and I have, since its appearance, been at some pains to make one on a more comprehensive and methodical plan. Without access to the great libraries of Europe, it is of course impossible to approach exhaustiveness; but, I believe, that I have succeeded in obtaining the names of nearly all the *best* books on this subject.

G. R. ABERIGH-MACKAY.

Simla, 15th June 1875.

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Nene Freie Presse.—September 5th, 1867.—November 19th, 1868. January 24th, 1869.

Nouveau Journal Asiatique.—December, 1833.

Journal de St. Petersburg.—1865, December 3rd, July 16th.—1867, February 28th.—1869, October 14th, November 1st and 21st—1871, January 8th, May 16th, July 7th, October 18th.—1872, November 31st, December 19th.—1873, January 23rd and February 7th.

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Turkistan Gazette.—Statistics of the Province, January 1871.—August 13th, 1870 Art. on C. A. Khanates.—October 21st, 1870, Arts. on Kashgar and W. China.—29th January, 1871, Art. on Yakub Beg and the Dunganis.

Journal of the Royal Geographical Society.—Vol. x., 1841, pp. 2-3.—Vol. xxxviii., 1867, pp. 134-166.—Vol. xl., 1867, No. 3, p. 16.—Vol. xxxvi., 1866.—Vol. xlii., 1872, p. 482.—Vol. xli., 1871, pp. 133 and 373.—Vol. xlii., Colonel Sletnitzky's Report on Journey of 1872.

Proceedings of the Royal Geographical Society.—Vol. xi., ci., pp. 6-14, Johnson's Journey from Leh to Ilchi; By Sir H. Rawlinson.

Bulletin de la Société de Géographie. Paris, 1861. Vol. ii., 1865. Vol. i., p. 438. September 1868, p. 265.

Globus.—1865 Vol. viii., Fahrten auf den Jaxartes, Butakof.—1868. Vol. xiii.—1866. Vol. x.—1867, Vol. xi., Vambéry.—1863, vol. iv.

Revue Internationale.—1868, p. 2., pp. 141-149.—The Inhabitants of Turkistan. By R. von Schlagentweit.

Asiatic Journal.—1824, Vol. xviii. p. 347.

Journal Asiatique.—(Paris) 1824, Vol. v., p. 64.

Ocean Highways, and *Geog. Mag.* passim.

NOTES.—Col. Veninkoff, Secretary to the Russian Geographical Society, published in 1873 in one volume his lectures before the staff academy, and his articles in the *Military Review* on the Russian Boundaries in Asia.

Since 1856, the Russian Geographical Society has been issuing a translation of so much of Kitter's *Erdkunde* as relates to Asia, with notes and additions bringing it down to the present time. The first three volumes were edited by Somenof; the last two on Kabulistan, Kafiristan and E. Turkistan by Grigorief. The *Athenæum* says that the latter has contributed another vol. entirely original, which might bear the title of "a History of Turkistan from the earliest Times to the Present."

CARTOGRAPHY.

TITLE OF MAP.	Author.	Year.	Scale.	REMARKS.
Central Asia, comprising Bukhara, Cabul, Persia, the river Indus and countries eastward of it; constructed chiefly from the original surveys of Lieutenant Alexander Burnes, F.R.S.	J. Arrowsmith.	1834	miles to inch 70 = 1	Published in London, by J. Arrowsmith, 16th June 1834.
Map of Central Asia	M. J. Klaproth.	1836	about miles to inch 20 = 1	Published in Paris.
Map of Western Asia, No. 28 of Kiepert's new Hand Atlas; comprising Persia, Arabia, Turkistan, Afghanistan, &c.	H. Kiepert.	1855	about miles to inch 128 = 1	Published in Berlin.
Map of part of Central Asia, showing the Russian forts and communications	.....	...	miles to inch 110 = 1	Lithographed in the Surveyor-General's Office, Calcutta: 1867.
Map of the Kirghiz Steppe, &c., &c.	Topographical Dept., War Office: London.	1866	about miles to inch 70 = 1	Copied from a Russian Map. Photographed in the Surveyor-General's Office, Calcutta: 1867.
Map of a portion of Central Asia, comprising the countries between the Russian possessions and British India.	E. G. Ravenstein. Topogr. Dept., War Office: London.	1873	miles to inch 50 = 1	Lithographed at the Topographical Dept. War Office: London.

Map of part of Central Asia, showing the Russian possessions and the contiguous countries; compiled from Russian sources: Colonel Walker's Map of Turkistan, &c.	Topogr. Dept., War Office: London.	1866 and 1873	about miles to inch 71 = 1	Ditto	ditto.
Russian Map of Central Asia	.....	1862 and 1873	about miles to inch 71 = 1	Ditto	ditto.
Map of the country of the Upper Oxus	.....	...	miles to inch 50 = 1	Published by John Murray: London.	
Eine General Karte von Central Asien	Imp. and Ry. Geog. Instit.: Vienna.	1874	1:3,024,000	Published by Gerold, Vienna. In 12 sheets. London: Tritbner.	
Russian Map of the general Government of Turkistan.	.....	1871	vers to inch 50 = 1	Published at St. Petersburg.	
Sketch Map of Eastern Turkistan, showing hydrography of the Pamir; and routes from Ladak across Korakoram and other ranges.	G. I. W. Hayward.	1870	miles to inch 16 = 1	Ditto	ditto.
Map of Turkistan, in 4 sheets	Col. Walker.	1873	miles to inch 32 = 1	Published in the office of the Superintendent, Great Trigl. Survey, Dehra, Dhoon. Colonel Walker has given us an interesting account of the construction of this Map in the <i>Geographical Review</i> , September, 1873, p. 247.	
Map of the Western States of India and Afghanistan, including parts of Beluchistan and Turkistan; extending from the mouth of the Indus to Bukhara, and from the Seistan Lake to the long. of Delhi.	Lieut. W. Fraser, Lytton D. A. Q. M. G.	...	miles to inch 16 = 1	This Map contains the results of the last survey made before the evacuation by the British of Candahar and Cabul.	

CARTOGRAPHY.—(Continued.)

TITLE OF MAP.	Author.	Year.	Scale.	REMARKS.
Sketch Map showing the country between Krasnovodsk and Khiva.	E. G. Ravenstein.	1873	1:3,000,000	Published in <i>Ocean Highways</i> , p. 5, 1873.
Sketch Map of region between Caspian and Oxus.	E. G. Ravenstein.	1873	1:9,000,000	Ditto April, 1873.
Sketch Map of Russian Province of Amu Daria.	E. G. Ravenstein.	1874	.....	<i>Geographical Magazine</i> , May 1874.
Map of Khokand and the Upper Syr Daria ...	Fedchenko ...	1872	1:2,715,000	Vide <i>Ocean Highways</i> , August 1873, p. 197, and <i>Geographical Magazine</i> , May, 1874, p. 46.
Map of the Frontier districts of Kashgar and Russia.	E. G. Ravens- tein.	...	.....	Vide <i>Geographical Magazine</i> , p. 194.
Russian Map of Central Asia ...	Imp. Topgl. Institution.	1872	.....	St. Petersburg.
Map of Central Asia, composed after the most recent observations.	Mily. Topgl. Depôt	1863 and 1873	1:4,200,000	Ditto.
Map of Turkistan, comprising the countries between the Caspian and British India.	E. G. Ravens- tein.	...	.....	Ditto.
Severtsoff's Geological Map of the country lying between the Jaxartes and the Chui.	.....	...	.....	Ditto.

Map of the Jazartes.	Admiral Butakoff. ....	...	.....	Ditto
Sketch Map of N. Bukhara, with conterminous portion of Turkistan.	.....	1865	.....	Prepared for Satuninoff's Journal of Struve's mission.
Map of the Khanate of Khokand.	O. Struve.	...	.....	Ditto
Map of Central Asia, extending from Teleran and shores of the Caspian to Kulja, Yarkand and Iltchi.	E. G. Ravenstein.	1874	1:300,000	Ditto
Map of the Trans-Caspian Littoral, showing the lower course of the old bed of the Oxus, and various routes taken by Russian columns converging upon Khiva: with a plan of the city of Khiva on a separate sheet.	Capt. Linslin.	1872	1:4,200,000	St. Petersburg
Map of the Khanate of Kliiva.	Col. Hyin.	...	.....	Ditto
Two-sheet Map of the Government-General of Turkistan.	Narbut & Linslin.	...	.....	Ditto
Map of the Road leading to Khiva; extending from the shores of the Caspian to Khiva, including the Aral.	H. Kiepert.	...	.....	Ditto
Map of Khiva and the surrounding countries.	Wyd.	...	1:3,150,000	Ditto
Map of route from Badakshan across the Pamir to Kasagar. From survey made by the "Mirza."	Major Montgomerie.	1871	.....	Vide <i>Journal of R. G. S.</i> , vol. xli, p. 132.
Suran oder Turkistan.	H. Kiepert.	1894	.....

ART. VII.—HISTORICAL SKETCHES.

PART III.—THE SIKHS IN THE UPPER DOAB.—(*Concluded*).

COLONEL BURN left Thannah Bháwun on the morning of the 23rd November, and, crossing the Hindun, presently came in sight of the Sikhs, from whom he appears not to have anticipated any serious resistance, but they, deriving confidence from their superior numbers, prepared for immediate action. Popular opinion justified Shere Singh's audacity. The Sikh name had not yet lost its prestige, and the last that had been seen of the British in that quarter was a scared Collector escaping from his district under the escort of the Begum Sumroo's soldiery, nor was it by any means certain, amid all the conflicting rumours afloat, whether General Lake was pursuing Holkár or Holkár pursuing General Lake. The alarm of the inhabitants of Deobund was intense. For aught any of them could tell, a Mahratta host might suddenly take its stand by the side of the Sikhs, and sweep Colonel Burn's little army off the face of the earth. They listened anxiously to the booming of cannon and the rattling of small arms rolling along through the chill November air, and those more advantageously posted on the roofs of the buildings situated on the higher points of the rising ground within the enclosure of the citadel, noted with breathless excitement the mingled clouds of smoke and dust darkening the horizon towards the Hindun, where an ambiguous strife was supposed to be raging, while affrighted villagers rushed in with exaggerated stories of the misbehaviour of the British force. Eyewitnesses to the scene were not long ago still living, and, according to them, the report of a Sikh victory found easy credence with the multitude, who had not forgotten Taza Beg's cruel death; a panic spread through the town; men, women and children poured into the fort from every quarter, till the place could hardly hold the crowd of fugitives, and there awaited the fate they believed to be in store for them in the utmost trepidation. At last the noise of the firing began to slacken, the sound seemed to recede westward, and, as it died away altogether, confidence was in some measure restored. When messengers arrived with the glad tidings that the Sikhs had been beaten, the joy of the townspeople was indescribable, and from that day Colonel Burn has always been regarded as a sort of demi-god at Deobund.

Yet his success had not been brilliant, and the event reflected no great credit upon the forces engaged on either side. When the engagement commenced, our native infantry behaved well enough, and, advancing under cover of a heavy fire from the guns, drove the enemy back. The irregular cavalry, on the contrary, were

"so panic-struck and impressed with fear, that no persuasion "could induce them to move in any one direction, and here it "was that they were first found to be altogether a negative force."* They positively refused to charge, and their misconduct prevented Colonel Burn from gaining any decisive advantage over the Sikhs, who, on their part, cowed perhaps by the artillery, exhibited little more courage than the irregulars, gradually retreating into the jungle. But they retired in good order, keeping up an incessant fire with their matchlocks, and did a great deal of execution. The action, however, never became general, and expended itself in a mere skirmish that lasted only two hours, costing Colonel Burn 124 killed and wounded, in spite of its insignificance. He consoled himself with the supposition that the enemy must have lost more than double that number. Among the notables of the district who distinguished themselves by their loyalty on the occasion were Sheikh Kullun of Rajoopoor, formerly a Captain in the Mahratta service, afterwards eviably notorious owing to his speculations as a farmer in one of the earlier settlements, and Kazee Mahomed Alee of Manglour,† Rájá Rám Dyál Singh's vakeel or political agent, whose horse was shot under him in the fight. The Rájá himself, it will be noticed, like the Begum of Sirdhunnah, took good care to keep out of the way. One of the principal and most disagreeable duties of such agents in those days was to play the catspaw in cases where their actions might be either repudiated or quoted according to circumstances.

A lucky accident made amends for the lukewarm conduct of the irregular cavalry. A stray cannon-ball carried away one of Shere Singh's legs. The leader of the expedition being thus disabled, his followers lost heart and were in no condition to renew the contest. Placing the Hindun between themselves and Colonel Burn's detachment, they retired, through Rampore and Sultanpore-Chilkanah, to Booreea, carrying the wounded warrior with them. His extraordinary vitality enabled him to survive the retreat, after which he lingered a few days, and then died from want of proper surgical treatment. False pride or unjust suspicion made him refuse the medical aid offered him by his chivalrous adversary under promise of a safe conduct.

As Shere Singh is more intimately connected with the modern history and traditions of Saharanpore than any of the other *sirdárs*, it cannot be amiss to give some account of his family.‡

* E. I. M. C. vol. ii. p. 507.

† Now represented by his grandson Nádir Hussain.

‡ MS. history of the Punjáb (already quoted) by Gholám Mullee-u-

deen Sherishtadár of the Umballa Agency, kindly lent to me by Moonshree Nund Kishore, Deputy Collector of Meerut.

His grandfather Lukhmeer, a Ját of Chomuk, twenty *koss* south of Umritsur, had four sons, Bágh Singh, Táj Singh, Ráe Singh and Purjá Singh. The latter was taken prisoner and forcibly converted to Mahomedanism, when Ahmed Sháh Dowranee sacked the village of Deena, but, returning home a few years after, spent the rest of his life with his brethren and two other Bhungee chieftains, named Dyá Singh and Nanoo Singh. The whole six, together with Chunda Singh and Kesra Singh, were among the confederates who, in 1763, avenged Ahmed Sháh's excesses of the previous year, capturing Kussoor, slaying Hinghun Khán of Malerh Kotlah, a Pathán colony detestable to every true follower of Guroo Gobind Singh, defeating Zain Khán, the Afghán governor of Sirhind, and finally invading Saharanpore, which Nujeeb-u-Dowlah's absence in a campaign against the Játs had left unprotected. The death of Zain Khán made them masters of the territory lying between the Jumna and the Sutlej, which they honestly divided amongst themselves; the north-east corner of Sirhind falling to the lot of Nanoo Singh (Bágh Singh's adoptive father), Dyá Singh and the four brothers. This was again sub-divided, whence the origin of such Sikh strongholds as Booreea, Dyalgurh, Jugádrée, &c. It is doubtful whether Nanoo Singh survived his adopted son or not. According to one account, they both fell victims to the treachery of the Patháns of two Mahomedan colonies situated within the limits of their domains, Naorungábád and Imluh Afghánan, who invited them to a friendly conference at Naorungábád for the ostensible purpose of amicably settling some local dispute, and then assassinated them. Bágh Singh had only one son of whom, at any rate, anything is known, the famous Shere Singh. After his death, Ráe Singh took the leadership of the clan, superseding his elder brother Táj Singh, who acquiesced in the arrangement, acknowledging the superior ability of his junior. We have seen how well he justified the choice of his clansmen.

Shere Singh died leaving two sons, Jeymul Singh and Guláb Singh. The former became lord of Booreca by right of primogeniture. His wife, succeeding him, was ousted from her inheritance by her brother-in-law, and she sought redress in the Kurnaul Civil Courts, which divided the disputed property between the litigants. Guláb Singh's son, *sirdár* Jewun Singh, is now the acknowledged head of the family, and, I believe, occupies the respectable position of Honorary Magistrate in the Umbálá district. At present, Booreca is included among the minor Cis-Sutlej states, of which a list will be found in Mr. Aitchison's Book of Treaties and Engagements.* After this digression, I may return to the events

* Vol. ii, p. 282.

immediately succeeding the battle of Churaon. Colonel Burn's indecisive victory failed to rid the country of the marauders. On the 24th November, a band ventured to attack a picket at Deobund, but a few rounds from a six-pounder dispersed the incautious assailants. The next day the Sikhs evacuated the city and fort of Saharanpore, which the troops at once re-occupied. If tradition may be depended upon, many of the citizens—chiefly *mahajuns*—had behaved with little more loyalty than the inhabitants of Shámlee, and there were worse examples elsewhere. The Begum Sumroo herself, a person who in after life traded on that virtue with great profit, gave Colonel Burn the cold shoulder. The service she had rendered Mr. Guthrie cannot have been disinterested. It was simply something that might be appealed to in proof of her devotion to the British Government, in the event of its ever becoming firmly established. She had shown the same unerring judgment in every previous political crisis, and when the tide turned unmistakeably, she made great capital out of the Collector's well-timed rescue. But the moment for a decisive display of loyalty had not yet come, and her attitude after the relief of Saharanpore was so threatening, that Colonel Burn found it necessary to suspend active operations and stand on the defensive. While he was busy with the Sikhs, she was entertaining Holkár's *vakeels*, as well as those of Runjeet Singh, who had also joined the Mahratta confederacy,* and, although she had sufficient discretion not to compromise herself irrevocably, she actually moved out from Sirdhunah with hostile intent, at the head of eight battalions, 1,000 horse, and 45 pieces of artillery. So little did her European officers trust her, that they applied to Colonel Burn for protection, and there can be no doubt that the fall of Deeg alone prevented her from openly declaring against us.

Sixteenth Sikh incursion, December 1804.—At this juncture the Government proclaimed martial law under Regulation X, 1804, passed on the 14th December, and on the very same date Colonel Burn had to take the field again. A fresh horde of Sikhs had penetrated to Rampore, Thannah Bháwun, and even to the vicinity of Deobund. Reaching Thannah Bháwun on the 16th, he compelled the enemy to occupy a new position at Tholuh, a small village near Futtshchundpore, the residence of a Mahratta Amil, on the road from Nanoutab to Gungah, where he tried to surprise them on the night of the 19th. Two battalions, with an escort of cavalry and some field-pieces, were detached for the purpose, and, marching with all possible speed, caught sight of the Sikhs before daybreak. Unfortunately, their sentries were on the alert, and

* E. I. M. C. vol. iii, p. 92. It is meant, but the latter was certainly doubtful whether Runjeet Singh of intriguing with the Mahrattas, Bhurtpore or of Lahore is here

there was no time to do more than give them a few rounds of shot, before they were in the saddle and away. Colonel Burn gave his men twenty-four hours' rest, while waiting for the baggage and the heavy guns, and continued the pursuit on the 21st. The old story was, of course, repeated. He drove the invaders back along the well-beaten track from Umbehtah to Ohilkanah, without ever coming to close quarters with them, and finally, losing all patience, he determined to cross the Jumna and put an end to the affair by sacking Booreea, when orders came forbidding him to enter Sikh territory.

This sixteenth incursion was no more than a filibustering expedition, during which the adventurers devoted their whole attention to collecting *loot* and, after securing the plunder, decamped with all possible expedition at the first appearance of the regulars. They never once so much as thought of a stand-up fight, notwithstanding the numerical insignificance of the British forces, which were, moreover, for the most part composed of the very same men who, a few short years before, would have hardly dared to meet the dreaded Singhs in battle. But there was a vast difference between their leaders in the two instances. The reader will recollect the terror attending the name of George Thomas. A similar prestige followed that of Colonel Burn, and the hectoring Sikh warriors had now degenerated into banditti who lurked about the thick Siwálik jungles and, camping amidst the intricate network of ravines that skirts the foot of the hills, watched their opportunity to issue forth and harass the country people with comparative impunity. Thoroughly disgusted with the irksome task of hunting them down, Colonel Burn returned to his head-quarters at Saharanpore on the 28th. To sweep the ubiquitous marauders clean out of the country without a large reinforcement of cavalry was utterly impossible, reprisals were forbidden, and the Begum's strange demeanour rendered extreme caution advisable. The Commandant, therefore, vigorously pushed on the repairs of the fort and other defensive operations at Saharanpore. A well-filled grave-yard between the town and the Jumna marks the site of the new cantonments then erected. These arrangements, however, did not detain him long, for, on the 7th January 1805, he made another swoop upon the Sikhs, who were floating about in the neighbourhood of Mozuffernugger. As usual, they flitted in the opposite direction, and, making good their retreat to the other side of the river, scoured the districts around Paneeput and Sonput right down to the very gates of Delhi. His next duty was the punishment of the authors of a disturbance that had recently taken place at Kándlah.

The Játs and Goojurs had risen at the instigation of Juswunt Ráo Holkár, and massacred several of the Canoongo Buneas,

a family abominable to them because it enjoyed the two-fold advantage of holding what were then considered lucrative appointments under Government and of also possessing other facilities for amassing money, which the procedure of the civil courts has since enabled them to accumulate with still greater ease. The Sudeekhee Sheikhs, the impoverished descendants of Sheik Imám Huj of Sumana, an influential man in his day, share the credit of having contrived the conspiracy with the Ráezadah Buneas, speculators less prosperous than the Canoongoes. One Azeem, a Mahommedan Goojur, supposed at first to have been the ringleader of the insurgents, gave his name to the *émeute*, which is styled the "Azeemgirdee." Subsequent enquiries shifted the chief blame from his shoulders to those of Longeer Gosain, Mohunt of Gurb Gosain, a fort north of Rampore Kheree, near Kándlah, before which Colonel Burn appeared on the 22nd, and, after storming it, hung the Mohunt on the spot. Two of his Ját associates, Raj Kurn of Lisarh and Dhun Singh of Hurmustpore, fondly imagined that they would get off scot-free by presenting themselves in Mr. Guthrie's *kutcherry* with an air of injured innocence. Their cunning availed them not, for they were instantly seized and likewise executed,* under a military sentence, close to the scene of their exploits.

* *v.* Guthrie to Lieutenant-Colonel G. A. Lake, Military Secretary (Meerut Records), 11th March. This incident, as well as the sale of the plunder found in the fort on account of the Army Prize Fund, in place of its attachment and sale on account of the State by the Civil Court, laid the foundation of a feud between the Colonel and the Collector, which exhibited itself in a reluctance on the part of the former to furnish personal guards for Mr. Guthrie's protection; on the part of the latter, to render assistance in obtaining supplies for the troops. They used to indulge in such official amenities as the following:—"Your conduct appears to me in a most ludicrous light," or "in reply I beg to thank you for your opinion of my duty (in which I must indeed differ from you) and for the arrangement you have pointed out; but at the same time to inform you that I do not intend to adopt that or any other plan for the transportation of the stores in

"question." This scathing satire (31st August 1805) is Mr. Guthrie's, and the fact that he seems to have been hand-in-glove with the treacherous Begum Sumroo, cannot have tended to render his official style more pleasing to Colonel Burn. After going over the accounts of the collections made by her in some *pergunnahs* entrusted to her management, he made the astonishing discovery that Government owed her Rs. 72,800 As. 14 P. 5 and also felt convinced of "her sincere and avowed attachment to Government!" In conclusion, he observed, "I beg most respectfully to acknowledge my obligations on (*sic*) having been selected for the duty which has given rise to this address, by which I am honoured as a public servant and my feelings gratified (*sic*) as a private individual; I have endeavoured by my exertions in making the present arrangement to evince a due sense of the distinction conferred on me, and I most humbly hope that His

The collection of the revenue continued to occupy Colonel Burn till the 7th February, when he moved to Tanduh on the bank of the Jumna, a little beyond the Meerut border, to curb the Sikhs, who, having mustered their courage, threatened a fresh inroad. Here (18th February) official intelligence of an event already rumoured, though not properly authenticated, contributed to increase his perplexities. Ameer Khán had entered the Doáb and raised the siege of Kumoona by Colonel Grüber. At the same time he was informed that the wily Begum had, by a curious coincidence, marched out of Sirdhunnah with the bulk of her army, to join two battalions with eight guns that had encamped at Khotánah within eight miles of Colonel Burn's position, three days before, evidently for the purpose of watching his movements.

With the Sikhs on one side, Sumroo's wife or concubine, whom it was against orders to attack, so admirably had she succeeded in humbugging Lord Lake, on the other, and Ameer Khán ready to effect a junction with either if he could only get a chance of doing so, it was not easy to decide upon a plan of action. Discretion being, under the circumstances, the better part of valour, the commandant retired to Thannah Bháwun, then an important strategic point, one forced march from Saharanpore, where the fort was now capable of standing a siege. Zaib-u'-Nissa's conscience may have suggested to her the idea that the advance to Tanduh was the preface to an attack upon Sirdhunnah, for she also retreated on the disappearance of the British forces. Besides, she had doubtless learned that Ameer Khán was making the best of his way to Rohilkhund, with General Smith's dragoons hard on his track. Colonel Burn, not so well informed, did not hear of this before his arrival at Saharanpore on the 15th February. He there received a despatch from the General directing him to lie in wait for the Rohilla at the Ganges fords.

During his expedition against Gosain Gurh two useful auxiliaries had offered him their assistance, Bhaee Lál Singh of Kaithul and Bhág Singh of Jheend.† Posting them at Saharanpore to co-operate with the garrison in the fort, in which he stored all the heavy baggage, he proceeded by way of Juburherab, Poor and Tissa, to Meeranpore, a town within easy reach of Daranugger

"Lordship's approbation and sanction of the accounts submitted will fully conclude the objects of my mission to Sirdhunnah." (19th September 1805.) I may here express my obligations to Mr. A. Cadell C.S., who has kindly placed at my disposal some instructive extracts from the Meerut Records, which, however,

seem to have suffered almost as much from the Dyce Sombre case as those of Saharanpore from the encroachments of the white ants.

† Cunningham (p. 128) says that they came to his assistance, when he was surrounded by the Mahrattas at Shámlee, but this appears to be a mistake.

ghát, opposite Bijour. In about a week, a large body of predatory horse dashed across the river to Sakertál, but almost immediately vanished, without doing much harm. The enemy's movements on the other side of the river now rendered it necessary for the detachment to march down the right bank of the Ganges and encamp at Gurhmukhtesur in the Meerut district (7th March). It did not long remain there idle. Colonel Burn had received bills on Moradabad for the purchase of supplies, which were beginning to run short. Judging from General Smith's position relatively to Ameer Khán, that a party might reach Moradabad and have them cashed, without running any serious risk of being intercepted, he commissioned Captain Murray, with an escort of 900 horse and 300 Rohillas, to make the attempt. The consequence was, that the party was surrounded and very nearly cut off at Burhanpore close to Amroha by the Pindaries, who, notwithstanding the presence of their indefatigable leader, fled before Colonel Burn on the sunset of the following day with such headlong haste that they left their grain and forage behind them. The expedition proved advantageous in other respects, for the whole of Ameer Khán's baggage, together with a quantity of live stock, fell into the hands of the detachment, and from 600 to 700 of the convoy were cut to pieces. After these successes, the Colonel recrossed the Ganges and, halting at Parcetchitguri on the 15th, prepared to repel the seventeenth and last Sikh invasion, Ameer Khán having, in the meantime, returned to the Doab.

During this rapid raid into Rohilkhand, Mr. Guthrie was in considerable danger.† His jurisdiction including the greater part of the present Meerut division, his residence had been fixed at Meerut as more central than Saharanpore, and, having proceeded to make the collections in that quarter on the 7th March, he found himself, a few days after, between a Sikh Scylla and a Pindaree Charybdis, in Fuzlguri, a small fort seven *koss* from Hapur and eight from the Sudder station. To his intense disgust, Colonel Burn could not spare him a single man, so that he had to depend upon 20 of the Moradabad provincials and 80 matchlockmen, and they had only eight rounds of ammunition each. It would have been evidently impossible to defend Fuzlguri against a determined attack longer than a few hours, and he had a narrow escape, for Ameer Khán, crossing over by Gurhmukhtesur on the 13th, suddenly surrounded Hapur and summoned the Tahseeldár, Ibráheem Alee, to surrender. Mr. Guthrie, having meanwhile received a reinforcement of 50 men with a small gun from Rájá Neyn Singh, the Goojur chief of

* Meerut Records, 27th November 1804, 7th, 12th, 13th and 15th March 1805.

Bysoomba and Pureechitgurrh, and 50 more from his relative Ráo Rám Dhun Singh, sent him orders to fight to the last. Ibráheem Alee, although he had only 250 Nujees under his command, responded nobly, and beat off the Pindaries with great loss, thus saving the town from ruin. Ameer Khán departed crestfallen to Secundra, and was heard of no more in the neighbourhood. I have gone out of the way to note his movements, because they were, in reality, closely connected with those of the Sikhs.*

The seventeenth Sikh incursion, 8th March 1805. Two days before Colonel Burn's compulsory advance into Moradabad, Goordut Singh and some of the minor *sirdárs*, inspired by a subsidy of two lakhs of rupees from Holkár, whose representative, Nuwáb Shaheed Khán the nominal "Soobahdar of Saharanpore," accompanied them, had burst into north Saharanpore at the head of 4,000 men, with the intention of joining the Pindaries, who, but for Ibráheem Alee's gallant conduct, would have certainly combined with them. During the fighting at Hapur, they fortunately wasted a great deal of valuable time, in plundering the Shámlee and Kaudlah *pergunnahs*, and another stout-hearted native gentleman, Kazee Kutb-u'Deen,† the Tuhseeldár of Thannah Bháwun, conducted himself with admirable loyalty, all the more remarkable because his family sided with the mutineers in the year 1857. The Sikhs were repulsed from the walls of the town with a loss of 35 men, and decamped entirely, in accordance with their newly acquired custom, at Colonel Burn's approach on the 25th. He followed them to Umbehtah on the 27th, when a despatch from the Delhi Resident announcing the offer of an amnesty to all the *sirdárs*, with the sole exception of Goordut Singh, stayed his hand. This document, in the absence of no other explicit instructions to guide him, was exceedingly perplexing. Lál Singh, however, appears to have been named diplomatic agent. The Colonel accordingly summoned the Kaithul Chief, as well as Bhág Singh, to a conference, the result of which cannot have gone far towards aiding his judgment (29th). His advisers "spoke at length on the difficulties of their situation, expressed regret that the pardon had not been general, and gave it as their opinion that the chiefs would not agree to the sacrifice of "Goordut." In any case, they added, it would be essential to conciliate Ráo Singh, with whom Colonel Burn consented to communicate. But the Jugadree chief, as might have been expected, sent an evasive answer, falsely alleging that he had withdrawn his troops, which were at the moment actually carrying on hostilities in British territory, and requesting that "a confidential

* Records, ut suprá, 9th, 10th and 12th March and 11th April 1805.

† Records, ut suprá, 29th March 1805.

"person might be sent, with whom he would despatch a *vakeel* "into camp in a few days." Pending the termination of these fruitless negotiations, the enemy had carried their excursions to Khátowlee, Meeranpore and Meerut. Nay, as it was quite impossible for Colonel Burn to be everywhere at the same time, there is strong reason to believe that the scones of 1796 would have been re-acted this year at Hurdwár, had it not been for the timely help of Rájá Ram Dyál Singh and Nuwáb Mohumdee Khán Murhul.* In short, "the Sikhs treated the offers of pardon with the most perfect contempt." Not a single one of the *sirdárs*, except Ráe Singh, ever deigned to take the slightest notice of the amnesty, and he did so, fearing an attack on Jugadree. Colonel Burn at length determined to ignore the amnesty himself. He annexed Goordut Singh's *jágeer*, and occupied Jhinjhánuh on the 4th April. The next blow was aimed at Kurnaul, which the Ladwáh *sirdár* abandoned in dismay (6th April). Here Skinner's horse reinforced the detachment, but, before their arrival, Tilowree and Azimábád had already been captured, the brigands who had lingered behind in the Doáb were slinking away to their respective homes, and Goordut Singh was abjectly suing for peace in the hope of saving his capital. Still he indulged in contemptible evasions, and his *vakeel* declared himself unable to agree to terms, owing to absolute ignorance of his master's views. This aggravating diplomacy† was persisted in, until Colonel Burn threatened a renewal of hostilities. The *sirdár* then became reasonable, and deputed two of his principal officers to the camp, with full powers to conclude peace on his part and that of the other chieftains.

The negotiations were, nevertheless, protracted up to the middle of May, and it was June before the terms agreed upon received the ratification of the Resident at Delhi. The articles of the treaty concluded provided for the resumption of Jhinjhánuh and all the rest of Goordut Singh's possessions in the Doáb, the restoration of Tilowree and Azimábád to Nuwáb Gulshere Khán of Kunjpoorah, and the transfer of Kurnaul to the Company's dominions. The Cis-Sutlej *sirdárs* henceforth became humble vassals of the British Government. Their eventual compliance with our demands may have been in some measure due to the aggressive attitude of Runjeet Singh, Bhág Singh's uncle.

* Records, ut *suprá*, 29th March, and 7th April 1805.

† The treachery of the Sikh is not to be doubted, it has ever marked his character," says the Editor of the *E. I. M. C.*, who adds that even Lál Singh "was a constant

impediment, in consequence of his intrigues," and goes so far as to accuse him of having deliberately "joined the detachment, the better to assist his brethren." vol. ii, p. 515. note.

If there was little or no hand-to-hand fighting during the later Sikh inroads, the damage inflicted upon the country was incalculable.* The tactics of the Punjabee guerillas were to avoid a decisive collision with the British troops, to whom they could always show their heels, and float about over the country, gathering in the harvest whenever they had time to do so, ruthlessly burning it whenever they had not. In the few days that it took Colonel Burn to march from Umbehtah to Kurnaul, they availed themselves of the slight respite given them by the proclamation of the unlucky amnesty to do an extraordinary amount of mischief in this manner. Mr. Guthrie, shut up in his fort at Fuzlghurh, with no military force at his disposal, was perfectly helpless, and had to look on sadly, as he wrote indignant official letters to the authorities, while the enemy cantered up to the very walls of Meerut, Hapur, and the neighbouring towns, and calmly issued *perwanahs* to the Tahseeldars and Amils, ordering them to realise the revenue in kind and pay up sharp. Such was their audacity, that even after peace had been practically concluded, a hundred of Sher Singh's armed retainers occupied Ghazee-uddeenuggur and several other villages in the Nukoor and Saharanpore *pergunnahs*, under the absurd pretext that the Dooreca family had an *istimráree* lease of the estates, which they refused to abandon, till a peremptory order induced them to depart towards the end of May. A much more remarkable fact is, that Bhunga Singh, who, as was notorious, had taken a prominent part in the two last invasions, managed, thanks to the tact of his *vakeel* Rám Lál, to retain possession of Bidowlee throughout the disturbances, apparently with the tacit approval of the Collector, in spite of his gross disloyalty. So late as August 1805, he held illegal possession of Kundah and Chousanah, two villages belonging to the *jágeer* of a Mahomedan gentleman, Ghulám Hussain, and declined giving them up at Mr. Guthrie's bidding. The resumption of his estates in the Doáb was still under consideration on the 22nd December 1805, when it was proposed that lands west of the Jumna should be bestowed upon him in their place, Nuwáb Mohundec Khán Murhul at the same time receiving Kurnaul in lieu of Mozuffernugger and Churtháwul.

For the six months preceding the treaty of Kurnaul, the Upper Doáb had never been entirely free from the Sikh incubus one single day.† During that period, murder, rapine and wanton mischief were rampant. The villages lying in the path of the invaders, whose numbers varied from 4,000 to 6,000, were everywhere burned, standing crops were maliciously destroyed to the

* Records, ut *suprá*, 7th April, 9th April, 10th May, 22nd May, and 9th August.

† Records, ut *suprá*, 30th May, 14th June, 14th July, 31st July, 27th October and 31st December.

value of about Rs. 50,000, and the damage done to the cultivation, exclusive of the *pergunnahs* under the management of the Delhi Resident, represented a positive loss to Government of nearly Rs. 90,000 revenue. To this should be added an item much less easy to bear, an equivalent on account of the losses of the unfortunate zemindars and cultivators, upon whom the scourge operated in the same manner as a famine arising from natural causes. The cattle lifted from the villages bordering on the Jumna amounted, it was calculated, to at least 50,000. We must also take into consideration the damage unavoidably done by the passage to and fro of our own troops, and an immenso amount of misery that cannot be reduced to statistics. The natural result was, that many people, once ready enough to gain an honest livelihood, were driven by dire necessity to commit depredations on their more prosperous neighbours, and a spirit of turbulence, not yet extinct in Saharanpore and some parts of Meerut, may be easily traced to causes now seventy years old.

After the conclusion of the treaty of Kurnaul, Colonel Burn encamped at Paneeput (11th June). His detachment was broken up at Chilkana, on the restoration of peace in January 1806*. He returned to England in September 1807, and died on the 11th April 1811.

His adversary Râc Singh followed him some years later; the chieftain's wife dutifully committed *suttee*. The terrible *sirdâr's* personal appearance scarcely bespoke his more sterling qualities. He was a small, wiry, insignificant-looking man with a thin face and cruel eyes peering over a long beard, and his features were strongly expressive of implacable ferocity rather than ability. He must, however, be placed in a higher rank than many a more successful freebooter. He not only well knew how to handle an

* The letter addressed to him by his officers on the occasion is characterised by the most refreshing simplicity and honesty. Its style, however, is rather out of date.

To Colonel William Burn, Commanding the Troops at Paneepat:—"Sir,—The return of peace and consequent arrangement of the troops occasioning the separation of your detachment, we beg leave most respectfully to express the high satisfaction we have enjoyed in serving under you, and the sincere regret we feel at parting with a Commander most eminently distinguished by his heroic fortitude and gallantry, evinced at the siege of Delhi, at Shâmlce,

and upon all other occasions; and whose courage is not more conspicuous than the mode of conducting the duties of his station has been in endearing him to all under his command; please then, Sir, to accept our unfeigned wishes for your health, happiness, and prosperity, and we sincerely pray that the Supreme Disposer of events, may continue to you an increased length of years, to enjoy that fame you have so justly merited." The detachment formed a part of an army of observation for the defence of the North-West frontier under the command of General Dowdeswell, v. E. I. M. C., vol. iii., p. 427.

army, but also how to provide for the welfare of his more peaceful retainers, however little regard he may have had for that of people owing allegiance to others. The flourishing town of Jugadree, whither he attracted the whole trade of Nujeebábád, Saharanpore and Meerut, for the time being in a state of hopeless ruin,* is to this day a standing monument of the excellence of his administration, though somewhat shorn of its local importance both actually and by comparison with the increased prosperity of its neighbours, who have since revived. The earlier mercantile settlers there found themselves almost safe from foreign aggression, and discovered, to their astonishment, that their patron abstained, as much as could be possibly expected, from oppressing them himself. Their good fortune encouraged immigration, so that the place soon became the centre of a trade, respectable when contrasted with the stagnation of commercial enterprise prevailing in the districts around. Râe Singh thus had resources quite independent of his admirable system of requisitions, and such was his influence at one period with the Mahratta Government that the Booreea and Jugadree family would have supplanted those of Landhowrah and Bysoomba in the Saharanpore and Meerut districts, had it not been necessary to play off the Goojurs against the Sikhs.

Râe Singh, having no legitimate male issue, adopted his nephew Bhugwân Singh, Tâj Singh's son, who inherited his property, which was afterwards divided among various members of the family by means of a lawsuit, the modern substitute for the obsolete ordeal of a trial by combat.

Major S. Woods succeeded Colonel Burn in the command of the Saharanpore Cantonments.† He had, besides the 1st N. C. and the 1st battalion 22nd N. I., two battalions belonging to the Begum Sumroo, with eight guns, at his disposal. Zaib-u-Nissa had cast her lot with the British in October 1805, when the result of the campaign was no longer doubtful, and Lord Lake, advancing in pursuit of Holkâr, threatened Lahore. Besides proffering the aid of a contingent, she volunteered useful information; "she had reason to believe that an incursion was meditated from the quarter of Putiálâ; Runjeet Singh of Lahore was approaching in that direction and from circumstances known to her, she believed that Juswunt Râo Holkâr and Runjeet Singh might "act in concert." She lent us a third battalion, with four guns, to be stationed at Meerut. Government had, of course, to pay for the maintenance of these auxiliaries, and, profiting by its necessities, she made another good investment. The grand army

* *v.* Records, ut suprà, 28th August.

† E. I. M. C., vol. i, p. 205 of Records, at suprà, 4th October, &c. &c.

being sadly in want of money, the Commander-in-Chief applied to Mr. Guthrie for three lakhs of rupees. The Collector managed to borrow Rs. 120,000 from the Begum and her officers, at 12 per cent.* The Treasurer, Amils and Rájás contributed the rest. Mr. Guthrie's praise of her generosity was enthusiastic. The two battalions intended for the defence of the western frontier were quartered at Chilkana, where they remained till the beginning of December 1827, when they were removed to Mozuffernugger. The sole relic of the Chilkana Cantonments is the tomb of a French officer, whose name has been forgotten.

It must not be supposed that the Sikhs caused no uneasiness in the interval. Although the Upper Doab was at length safe from invasion, alarms were so frequent, that this historical sketch would be incomplete without some notice of the relations between the *sirdárs* and the local authorities in time of peace.†

In October 1806, Runjeet Singh crossed the Sutlej, with, so report said, 30,000 horsemen. His immediate object was to assist his maternal uncle, Bhág Singh, and Junsunt Sing of Nabhá, against the Ranee of Putiálá (Sahib Singh's wife), Bhaee Lál Singh of Kaithul and Bhunga Singh of Thanesur. Supported by Futteh Singh Alhoowaleea, Goordut Singh and other *sirdárs*, he occupied Dhoolud'hee, a town of the Ranee's, about twenty-two miles north-west of Putiálá, on the 28th, and halted at Nabhá next day. In what direction he might next proceed was altogether uncertain, and it was considered prudent to obtain from Bhág Singh an assurance ‡ that Runjeet Singh's intention in marching southward was merely to adjust the differences of the petty chieftains and so put an end to the dissensions which had long prevailed around Putiálá. The people on this side of the Jumna were, nevertheless, sore afraid, and Mr. Seton, the Delhi Resident, found it necessary to give an official contradiction to the alarming reports that were going abroad, not perhaps without good reason.

The panic subsided as Runjeet Singh marched away towards Kangra, and the safe arrival of His late Majesty Sháh Alum in Paradise and the peaceful accession of his son Akbar Sháh II were proclaimed at Saharanpore for the information of all whom it might concern (20th November). The full title of the new Emperor was Abool-Nusr Muayun-u-Deen Muhammed Akbar Sháh Bádsháh Ghazee. The old Emperor received the territorial de-

* Records, ut *suprá*, 5th October, 1805.

† The conclusion of this paper is based on the Saharanpore Records.

‡ It will thus be seen, that a standard historian (Marshman, vol. ii,

p. 220) is wrong in saying that "no notice was taken of this encroachment by the Resident at Delhi". *v.* A. Seton, Resident at Delhi, to B. Martin, Magistrate, Saharanpore, 1st November 1806.

signation of "Furdoos-i-Munzul," or "the Guest of Paradise." The event did not exactly cause a revolution, but, owing to the spirit of turbulence generated by the disturbances of the previous year, many were disposed to resist the newly acquired rights of Akbar II, and Mr. Seton had to apply to Mr. Martin, the Magistrate of Saharanpore, for a part of the Begum's contingent, to "facilitate" the collections of the revenue in the assigned territory. We also find the Bareilly Court of Circuit complaining bitterly of the depredations of "Kossacks and other banditti," who seem to have been diligently patrolling the high roads about the same time.* It is pretty certain that there were Sikhs among them.

The 10th April 1808 was to be the anniversary of a *Kumbh* fair, and the approach of armed multitudes converging towards Hurdwâr from different quarters, chiefly the Punjâb, proved a source of great anxiety, not merely in the Saharanpore Cantonments and the Delhi Residency, but even in the Council Chamber at Calcutta. The number of pilgrims expected, viz., two millions, was not in the least exaggerated. The 500 killed in 1796 and the 1,800 who had perished thirty-six years before, had, moreover, swollen to 5,000 and 18,000 respectively† in the imagination of posterity. Circumspect Political Agents believed the dreadful tale, and, in sober earnest, a return fight between the Gosains and Sikhs was no remote contingency. The obvious means of averting the impending danger occurred to Mr. Seton and Mr. Martin simultaneously, namely, to disarm all the more dangerous pilgrims at Jugadree or Saharanpore. But who was to bell the cat? Not to speak of Râjâ Ub'he Singh of Khetree and other independent Rajpoot chiefs, besides the minor Punjâbee potentates, Runjeet Singh himself was coming with no less than five thousand men. To deal with his followers, should they be refractory, would be no easy task. Fortunately, Bhâg Singh "a man of a trustworthy, respectable character," and Bhæe Lâl Singh "remarkable for his prudence and caution," were to accompany him, while Major-General R. M. Dickens, commanding the troops in the field, was prepared to augment the strength of the military force at the fair, in case of emergency. Still, as the crisis approached, Mr. Seton lost heart, and sheltered himself from responsibility behind a feeble promise to "recommend in the strougest manner to those whose advice will, probably, "have weight with him" (Runjeet Singh) "to suggest to him "the expediency of his granting leave of absence to a *limited* "number only" (of his followers) "at one and the same time." Mr. Martin, not belonging to the diplomatic branch of the service, preferred a bolder policy, and insisted that no one at all except the

* Saharanpore records, *passim*.

dated 18th February 1808, &c., &c.

† Proceedings of the G. G. in C.

chiefs themselves should be allowed to bear arms at Hurdwár. This proposal rather shocked the Delhi Resident. He thought that his head assistant, Mr. Metcalfe, would be "able to restrain" the habitual licentiousness of the Sikh soldiery and powerfully "contribute to the preservation of order in the camp." It would, he considered, be impolitic to attempt the seizure of weapons which could not, perhaps, be taken from the owners without some difficulty. In spite of this bland advice, the blunt Magistrate failed to see the matter in the diplomatic light, and stuck doggedly to his resolution, depending on the 6th regiment of cavalry and Colonel Marshall's battalion rather than the moral force of the Delhi Residency. The upshot of the affair was, that not a single man under the rank of a fâird was permitted to appear armed within the precincts of the fair. Guards were posted at the different approaches to impound the weapons of all those prohibited from carrying them. Each article was ticketed, the owner receiving a duplicate ticket, like the bearer of an umbrella at the door of a picture gallery. Presenting this on his return from the bathing ghât, he recovered his property. There was no grumbling, because Mr. Martin and Colonel Marshall were not men to be trifled with. Everyone enjoyed himself thoroughly, and the fair broke up without harm to man, woman or child.* This happy termination of the first *Kumbh* of the present century was a good omen for the future, and it cost Government exactly Rs. 711 As. 4 Ps. 7. The period is characterised by the almost total absence of flowing reports, by phonetic spelling and rheumatic English. Still, excellent work was often done in a quiet way, and the Governor-General considered a simple expression of satisfaction sufficient, where a whole *Gazette* would have been indented upon in later days.

During the rest of the year the Sikhs continued to be thorns in the side of the executive. They were constantly either quarrelling among themselves or annoying their neighbours east of the Jumna. The "improper conduct" of Gulâb Singh and Jey Mul Singh of Booreea had necessitated Mr. Martin's interference in March, and in May Bhugwân Singh of Jugadree was obliged to seek protection in British territory. Again, in June† we hear something more to the disadvantage of Jey Mul Singh, who had been enforcing rights, real or fictitious, to the collections at the Rajghât ferry, and so had come into collection with the border police, which had consequently to be strengthened. There next appeared (November) some 400 of Runjeet Singh's troops, intending, they said, to have a bathe at Hurdwâr.

* Cf. *Asiatic Researches*, vol. xi, p. 462.

† Seton to Martin, 25th and 28th June, &c., &c.

But 3,000 or 4,000 more were behind them, and, had the main body crossed the river, they might have been unable to resist the temptation of helping themselves gratis to anything they required during the journey. As good luck would have it, the smaller party only passed over, and was disarmed at Chilkanaah. The Magistrate, then ill-prepared to resist hostilities, took the precaution of providing his unwelcome guests with supplies. This may have reconciled them to surrendering their beloved weapons, but the invitation to do so had to be worded very carefully. Mr. Seton's remarks on the subject are characteristic :—* "It appears to me that the precautions adopted by you" (Mr. Martin) "are very judicious, and that your having put the suggestion relative to the Sikhs leaving their arms rather upon the footing of a *wish* than upon that of a peremptory order, is highly considerate. The Sikhs are known to be very unwilling to quit their arms, and the *insisting* upon compliance might have occasioned frays which it is desirable to avoid, but more especially at this particular moment," that is, when Mr. Metcalfe was almost at his wits' end, trying to negotiate a treaty with Runjeet Singh.

Whatever doubt there might have been about his intentions towards us, there was none whatsoever about his designs upon Sirhind. The party which had appeared on our confines was a portion of an invading army, and, simultaneously with its advent, came reports from the Police *darogahs* of Gungoh and Nukoor, that the family of *sirdár* Dulcha Singh and others had been obliged to take refuge in the Saharanpore† district. The Lahore chief had crossed the Sutlej, taken Fureedkot and Umbállá, exacted tribute from Ata Ullah Khán of Malerh Kottah, and treated the representations of the British Envoy with indifference, if not absolute contempt. It was therefore determined to take the Cis-Sutlej states under British protection, defending them with the one hand, curbing them with the other. An army intended to strengthen the arguments of our diplomatists was assembled under the command of General Hewitt, at Saharanpore (January 1809). Meanwhile, a detachment under Colonel Ochterlony advanced through Booreea and Putiálá, commissioned to accelerate the progress of Mr. Metcalfe's negotiations. The services of our old friend James Skinner were also called into requisition, his local experience being likely to be useful, and he was about to take command of 10,000 Sikh auxiliary cavalry, when Runjeet Singh bound himself by treaty (25th April 1809) to confine his ambition to the country north of the Sutlej, and admitted a British garrison into Loodiána.

* Seton to Martin, 12th November 1808. Cf. Cunningham, pp. 138-139, and Skinner's Memoirs, vol. ii, p. 102.

† Seton to Martin, 14th Novem-

The proximity of the Sikhs having now ceased to be politically dangerous, degenerated into a local nuisance. Even British subjects were not always safe from the petty tyrants of the border; occasionally an unfortunate wretch would rush into the Delhi Residency covered with scars and screaming for justice,* and their retainers still ventured to make raids on a small scale into the western *pergunnahs*. In August 1810, the inhabitants of Bhoor, a village belonging to Jodh Singh Kulseea of Chuchrowlee, invaded Kushagurh, and carried off a number of prisoners for the sake of the ransom. This flagrant outrage elicited something approaching to strong language from the usually placid and smooth-tongued Mr. Seton; "it is," he wrote, "painful to observe "the growing tendency of the subjects of the Sikh *sirdárs* "to commit outrages of every description; and it appears to "me indispensably necessary to prove to them that nothing "of the kind will be suffered to take place with impunity. "I have accordingly addressed a very strong letter on the "subject to Jodh Singh."† He concluded by recommending the employment of an adequate military force for the capture of the offenders and rescue of the prisoners. We are not informed whether this course was pursued or not.

A few days before, an unfortunate *Mánjee* of Doodgurh, a village near Chilkannah, in the employment of Major Penson, Superintendent of Civil and Military Buildings, Western Provinces, had been shot down by some of Jodh Singh's people, while floating a timber raft down the Jumna to Delhi. The raft became *præda bellica*. The unruly chieftain was, of course, threatened, but there is nothing to show that substantial redress was ever obtained.

Depredations went on incessantly. In 1812 Mr. Metcalfe,‡ Mr. Seton's successor, promised to effect a reform, but his success must have been very partial, for, so late as 1841, the *Ladwáh Rájá*, Ajeet Singh, Goordut Singh's son, had the audacity to send an armed force under Budh Singh to Seyedpoora, between Nukoor and Luknowtee. It is true that his object was to recover his own *Toshekhkhanah* (wardrobe, &c.,) and seize the attendant retinue which had decamped with it, nor did he resort to actual violence. The advisability, however, of a preliminary communication with the Magistrate of Saharanpore or the Political Agent at Umbálá never entered his head. Even in 1846, the *sirdárs* harboured "thieves or rather depredators," and actively encouraged their depredations. Jodh Singh's elder son and successor, Sobhá Singh,

* v. Seton to J. Patton, Magistrate, 30th December 1810.

† Seton to Patton, 9th August 1810. Cf. W. Fraser, Head Assistant, Delhi Residency, to Patton, 3d July, &c.

§ Metcalfe to R. Grindall, Magistrate, 18th January 1812. Cf. M. P. Edgeworth, Officiating Magistrate to G. R. Clark, Governor-General's Agent, Umbálá, 6th August 1841, &c.

was one of the principal delinquents, being well known as the patron of a notorious scoundrel called Futteh Singh, a *putteedár* of his own. On one occasion, when a party of the Saharanpore Police pursued a band of *dacoits*, who had escaped from the Doon into the Chuchrowlee territory, he had the assurance to represent the circumstance in the light of an insufferable grievance to the Political Agent at Umbálá, although the usual notification had been sent beforehand to the Agency.

Sobhá Singh inherited the traditions of his father, the only one of the Sirhind chieftains that gave Colonel Ochterlony a cold welcome in 1809. Jodh Singh, indeed, kept entirely aloof from us, and hence considered himself entitled to take the law into his own hands in disputes with his neighbours. Thus he seized Talooka Chuloundee,* the property of Bughel Singh's widowed Ranee, and stoutly refused to give it up, in spite of volleys of letters from Mr. Seton. At length, the prospect of coercion induced him to surrender it, but he retained other lands instead, and treated the representations of the authorities with marked discourtesy, until Mr. Seton, losing all patience, deputed his Assistant, Mr. W. Fraser, with a detachment, to take over charge of the disputed estates. Troops were again sent against him in 1818, to enforce the surrender of lands which he had occupied by force of arms. This expedition cost him Rs. 65,000, the expense of the campaign.

The Booreea family was likewise composed of most pestilent persons, always quarrelling with one another after the orthodox Oriental fashion. Shere Singh's first cousin, Bhugwán Singh, was an honourable exception to the rule, and used to assist the Magistrate of Saharanpore in keeping the peace. The worst of the lot was Shere Singh's mother, Sulekha,† a vixenish old hag who set the whole clan by the ears, and drove poor Mr. Seton half distracted.

Besides family quarrels, another fertile source of annoyance to the executive was the adjudication of claims to lands on this side of the Jumna, for the boundary line was variable, on account of changes in the course of the river.‡ Under the Mahratta Government, the deep stream, wherever flowing, had always been recognised as the boundary *between the two States*, but politicians of the old school never troubled themselves about laying down general rules to define and maintain the rights of *private individuals*, whose lands might be separated from one bank and annexed to the other. The settlement of boundary disputes had been generally left to the people themselves, and the right of the stronger prevailed, "unless a particular case occurred, which involved the in-

* Seton to Patton, 6th August 1810, 1811, &c., &c.
 &c. &c.; Cf. Cunningham, p., 192. † v. Seton to Patton, 12th October,
 ‡ Seton to Patton, 29th January 1809.

terests of some favoured individual." This primitive procedure had rendered the whole question somewhat complicated, and to obviate all difficulties in future, Mr. Seton proposed that the political boundary should be left *in statu quo*, private property remaining in the possession of its original owners without reference to the side of the deep stream on which it might temporarily happen to be. The obvious objection to this plan was, that our subjects could hardly feel secure about the stability of their tenure of land that might have the bad luck to be "transferred from the authority of a mild moderate just State to the dominion of a lawless Sikh chief." The remedy that naturally suggested itself, was a compact with the *sirdárs* to preserve the tenure of all such lands inviolate. Although the Government approved of this measure, and authorised Mr. Seton to carry it out (there were at the time twenty-eight* Sikh Cis-Jumna villages, to which it would have been applicable), the Delhi Resident's excessive caution and euphemistic language defeated all attempts at effecting a definite arrangement, and in the year 1821 we find thirty-six villages, with an area of 34,273 *beegahs*, in the occupation of the Sikhs on this side of the river, which had never paid a *cowrie* of revenue to Government. The question was eventually solved by depriving the inferior Cis-Sutlej states of all sovereign powers, after the first Sikh war in 1845.

Another vestige of the ancient Sikh supremacy in the Upper Doáb swept away at the same time, was the exclusive right of the border chiefs to the management of the principal ferries across the Jumna. Government had yielded them the privilege without question, for peace sake, but it proved highly inconvenient to the public. Travellers were badly served, and, besides having to pay an exorbitant toll, were often detained on the banks of the river for hours, as well as the mails, by the independent *mullahs*. Fruitless protests against the system were lodged in the Umbálá Agency over and over again. In the year 1842 the Magistrate of Saharanpore† proposed to establish a bridge of boats across the Jumna at Rajghát and so abolish the nuisance. But no—the scheme was overruled on the score of Sirdár Guláb Singh's claim to the receipts from passengers. Yet the period was one when it was an object of paramount importance to facilitate communication with the Punjáb. We had nerved ourselves to repair the disasters of the preceding January at Cabul. Large bodies of men and long trains of supplies were in motion towards the frontier, and the resources of the whole

* Seton to Patton, 4th May 1810.
Cf. Mr. Moore, Collector, to Board,
21st July.

† Harvey to Begbie, Officiating
Commissioner, 1st December 1842,
&c.

province were being heavily taxed to provide means of locomotion and everything else necessary to the maintenance of a large army. The same inconvenience was felt during the military operations of 1845. This brought matters to a crisis, and, finally, the Sikh monopoly succumbed to the Ferry Fund Committee of Saharanpore in May 1846.

The conduct of Ajeet Singh,* Goordut Singh's son, may possibly have rendered the authorities more peremptory than usual. While our army was engaged in the Punjáb, his movements had been watched with a degree of suspicion fully justified by the rebellious proclivities of his father. Conscious of this,† he declared his intention of going on a pilgrimage to Benares, and, crossing the Jumna on the 28th December, encamped at Futtehpoore, a small village between that river and the town of Nukoor, sending on some of his tents and equipage to Nowgaon. On the 30th, Mr. Davidson, the Magistrate, received intelligence from the news-writer in attendance on the Rájá, that His Highness had re-crossed the river the day before with twenty horsemen. The supposition that he had done so with sinister design was reasonable enough, and also alarming, for Ladwáh is only sixteen miles from Nukoor, as the crow flies, and the district no longer possessed a respectable military force. A small detachment of Goorkhas from Dehra and a few more Police *sowars* were all that could be afforded in addition to the ordinary peace establishment. After a few days' great excitement, all apprehensions of an incursion into the Doáb were set at rest by a letter from the North-West Frontier Agency (4th January 1846), which at the same time removed all doubts as to the Rájá's treachery. He had crossed the Sutlej, and joined the enemy with all his troops and artillery. It is doubtful whether the motive of his conduct was patriotism inflamed by some false report of a Sikh victory, or vanity wounded by the recent receipt of a peremptory order to reduce his retinue.

His Moonshee, Hafiz Aleo, and Dewán, Nagur Mull, were straightway seized and put in durance vile, where they whiled away the weary hours by sending mendacious petitions† to Government, complaining of being starved to death and so forth. All the moveable property Ajeet Singh had left behind him in his flight back to the Punjáb, was sold by auction, with the exception of four elephants appropriated to the use of the Commissariat. His house at Hurdwár was made a present to the loyal Rájá of Putiálá, and his estates were confiscated. On the termination of the war, he himself was transported east of

* *v.* Correspondence of December 1845, and January 1846. Government of India, 29th May 1846, &c., &c.

† Davidson to Under Secretary,

Allahabad, and given an allowance of Rs. 500 a month.* His sons, Teeka Nihál Singh, and Kour Dyál Singh received pensions of Rs. 1,000 and Rs. 500 a month respectively, on condition of living east of the Jumna under surveillance, which was gradually relaxed. The latter took up his abode at Kunkhul, and died in obscurity. The elder brother preferred residing at Saharanpore, and conducted himself so much to the satisfaction of the authorities, that the village of Tábur, in the Nukoor Tuhseel, was bestowed upon him for good behaviour in 1857, together with the dignity of Honorary Magistrate. His pension died with him in 1863, and his widows, who fortunately have no children, live in comparative indigence at Saharanpore.

Had some prophet foretold its ignominious extinction to the founders of the Ládwa Ráj, Goordut Singh and Sahib Singh,† they would have hardly listened to his words with equanimity. These redoubtable warriors were Sainsee Játs of Bain Poen, a village eight *koss* south of Umritsur, and, having joined the standard of Mit Singh of Rohela, soon profited by the lessons of their leader. The campaign of 1763 was the turning-point in their career, as in that of other chieftains already noticed. Its successful issue enabled them to occupy Buhain, Shamghur and Ladwá. Sahib Sing yielded Ladwáh to his junior, Goordut Singh, whom a cannon-shot that killed the former in an engagement with Agha Shufey, Nuwáb Nujuf Khán's nephew, afterwards placed at the head of the clan. The new chief gave up Shamgurbh to Kirpál Singh, brother of Sahib Singh's widow, five villages to the lady herself, and twelve to the deceased's adopted son, Bhugwán Singh, but, on the latter's death, these came back to him, and Runjeet Singh added Budowál to his territory, in consideration of their alleged descent from one common ancestor. The Ráj represented a military force of 12,000 men and an annual revenue of from two-and-a-half to five lakhs of rupees.

A political prisoner more fortunate than Ajeet Singh was Bhoop Singh, ex-Rájá of Roopur, whose intrigues had been scandalous during the first Sikh war. He got a pension of Rs. 27,000 a year, equal to half his original income. He died at Saharanpore on the 16th December 1854 without male issue.

A fact interesting in connection with the present subject is, that in 1845 a local agency for the transmission of intelligence to the Lahore Durbár is believed to have existed on the frontier.‡

* Orders of Government, 17th November 1846. Mr. L. Griffin (*Rájás of the Punjab*, p. 91, note) says he escaped from prison at Allahabad, after killing his keeper, and is supposed to have died in Cashmere.

† MS. History of the Punjab,

ut suprâ. Sahib Sing was nicknamed *Khundah* on account of his bushy curling beard and moustachios.

‡ Davidson to Currie, Secretary, Government of India, 25th February 1846.

A worthy named Chunnee Lál of Gungoh was suspected to be the head of one branch of the intelligence department. Another well-known spy was a certain Luchmee Narain, the favourite of a former Collector, who had made him a Peshkár at an unusually early age, owing to services said to have been rendered by his father to the British troops during their advance on Afghanistán. The Government took little notice of these disclosures, justly concluding that the enemy could get much more information about its movements from our own newspapers than from the most intelligent native spies.

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ART. VIII.—MR. WHEELER'S HISTORY OF INDIA.

The History of India from the Earliest Ages. Vol. III.
By J. Talboys Wheeler, Secretary to the Government of British
Burmah : Trübner & Co., London : 1874.

MORE than a year has passed away since the third volume of Mr. Talboys Wheeler's *History of India* was placed upon our library table ; but the peculiar character of the work and the very circumstances that make up its value, have hitherto prevented our giving it that consideration which it deserves. This delay has not arisen from any want of appreciation, or from any lack of interest in Mr. Wheeler or his labours. The first and second volumes of his *opus magnum* were critically and favourably reviewed at considerable length in this journal. Moreover, Mr. Wheeler has personal claims upon the *Calcutta Review*, which we gladly take this opportunity of acknowledging : for many years he has been one of our most valued contributors ; and some of his articles, which appeared three or four years ago—such as "Burmah Past and Present," "Reminiscences of Ava," &c.—attracted a great deal of attention at the time, and will be favourably remembered by many of our present readers. But the third volume of his *History of India* is a book of a kind that requires careful reading and special study before it can be safely or fittingly reviewed. The style is clear and graphic ; but much of the information is new, all is put in an entirely new light, and the conclusions are often somewhat startling. In a word, the volume opens up new fields of thought and enquiry, upon which few would care to venture an opinion who had not gone over the same ground as the author. Under these circumstances, we propose to describe the book rather than to criticise it ; to present our readers with some idea of its subject-matter and of the way in which that subject-matter is dealt with, rather than to bring its numerous hypotheses under critical review.

The present volume is complete in itself. It may also be regarded as the first volume of a new history of India, rather than as the third volume of a connected work. The two previous volumes comprised in a condensed and analytical form the historical data to be gathered from the Vaidik hymns, from the great epics of the Mahābhārata and the Rāmāyana, and from the Laws of Manu. These two volumes are now treated as prolegomena. They have a certain interest for all students, and a peculiar interest for all who care to study the workings of the Hindú mind ;

but they have no claims to be regarded as history properly so-called. The history proper thus begins with the third volume. It opens with a *resumé* of the results of the two previous volumes, and ends just before the first appearance of the English in India at the beginning of the seventeenth century.

There are two or three special characteristics of this volume, which it will be best for us to point out at starting. It is a history of Hindú India; it has been gathered from every available source, except the Musalmán historians. The author tells us in his preface that "the present volume opens with retrospects of the Vedic "Brahmanic ages by the light of the materials already brought "under review in the former volumes. It then brings every "other available authority excepting that of the Musalmán "historians to bear upon the general subject. The life and teachings of Gótama Buddha, the evidence of Greek and Roman "writers, the edicts of Priyadarsi or Asoka, the Buddhist chronicles, the recorded travels of the Chinese pilgrims in the fifth "and seventh centuries, the Hindú drama, the traditions of the "Rájpúts down to the seventeenth century, the travels of Marco "Polo and others between the thirteenth and seventeenth "centuries, have all been laid under contribution for every "variety of information, and have been further illustrated by "the experience derived during fifteen years' official residence in "India and Burmah." But the history of Musalmán India is for the present untouched. It will probably form the bulk of the fourth volume, which we understand is now in course of preparation.

The second, and not the least valuable characteristic of the volume before us is, that it is not a history of Hindú dynasties, but of the Hindú people. We very much doubt whether it would be possible to compile a history of Hindú dynasties. We are satisfied that, if it could be compiled, few would care to read it. The dynastic annals of existing Native States, belonging as they do to current history, have yet failed to attract the attention of Europeans; and it is hopeless to expect that the past would be more attractive than the present. But the history of the civilization of the Hindús is a new chapter in the history of mankind. It is so ancient that at times it appears to have been almost stagnant. The outward life of the India of to-day is, in many respects, the same as that of the India of Alexander. But still there have been changes beneath the surface. The whole ancient History of India, as far as it is known to modern times, may be included within four strongly-marked epochs, which Mr. Wheeler characterises as the Vedic, the Brahmanic, the Buddhist, and the Brahmanical Revival. But though these epochs are strongly marked, it is difficult or impossible to draw clearly any

*lines of separation. Brahmanism, probably, existed in India before Buddhism: for many centuries the two existed side by side, though at the present day Buddhism has long disappeared from India, or only lingers in the modified form of the religion of the Jains.

A third characteristic may be mentioned. There are no chronological annals of ancient India worthy of the name. The one synchronism in the ancient History of India is to be found in Sir William Jones' famous identification of the Hindú Rájá Chandragupta with the Sandrakottos of the Greeks. Mr. Wheeler goes further, and suggests reasons for identifying Asoka with Sandrakottos. As already stated, we purposely avoid all critical discussion. The fact sufficiently indicates the utter want of chronological data. The inscriptions furnish dates; but at present the dates are only linked with the names of Rájás. They have not as yet been associated with the great religious or political revolutions; except in the remarkable case of the edicts of Priyadarsi, who has been identified with Asoka. About this exceptional case we shall have something to say hereafter. At present we would only remark that, as a result of the general absence of chronological data, the historian of ancient India cannot compile a narrative in the form of annals, but is compelled to treat only of epochs, to describe the character of those epochs, and at each one severally to picture India and its people. Four religious epochs have been noted above; Mr. Wheeler establishes three or four others. These are associated with the different classes of materials already mentioned—namely, the Greek and Roman accounts of India, legends of Buddhist India, the Hindú drama, the traditions of the Rájputs, and the histories of Portuguese India. Each epoch forms a chapter, and so far is complete in itself. It may therefore be advisable to glance briefly over the contents of each chapter.

The first chapter in the present volume is devoted to the so-called Vaidik period. Mr. Wheeler by no means confines his attention to the Vaidik people. On the contrary, he refers to the non-Aryan populations that entered India before the Vaidik Aryans; and to the Bráhmans who do not make any appearance in the older hymns of the Rig-Veda, and certainly were not known as Bráhmans until a later period than that in which the ancient hymns were composed. Mr. Wheeler does not say that the *Máhabhárata* and the *Rámáyana* were composed in the Vaidik period. Indeed, he would refer the composition of those poems to the age of Bráhmanical revival. But he maintains that the main incident of the two great epics—namely, the great war and the exile of Ráma, must have occurred in the so-called Vaidik age.

Under such circumstances he relates anew the two stories in popular form, and incorporates them in the first chapter as illustrations of the Vaidik period. .

The second chapter on the Bráhmanic period contains some interesting descriptions of the social life of the ancient Bráhmans. How far they were associated with the Vaidik people in the primitive times has always been a vexed question. Mr. Wheeler seems to think that they existed originally only as mercenary priests and sacrificers ; that as such they were held in comparatively small esteem by the Kshatriya Rájás : and that it was not until a comparatively later period—the golden age of Bráhmanical learning and philosophy—that Bráhmans began to be regarded as a separate and exclusive caste, and were worshipped as types or representatives of deity.

The third chapter is devoted to the life and teachings of Gótama Buddha, and is perhaps the most interesting in the book. Mr. Wheeler is familiar with Burmah as well as India, with Buddhism as well as Bráhmanism. He is thus able to contrast the working of the two systems in their respective countries ; and the description is worth extracting as a specimen of Mr. Wheeler's style, always at once lucid and agreeable.

“ The revolt of Buddhism against Brahmanism is only to be appreciated by those who are familiar with the results of both systems. The India of the present day presents many of the characteristics which must have distinguished ancient India prior to the advent of Gótama Buddha. It is a land of deities, temples and priests which inspire a melancholy bordering on despair. The whole Indian continent is dotted with little sanctuaries, which appear like the sepulchres of defunct gods, whose grotesque and distorted effigies are to be seen within ; and fathers and mothers bow down to these idols, praise them, propitiate them with gifts and offerings, and invoke them for help and prosperity. Again, there are temples of more colossal dimensions, with pyramidal towers or cone-shaped domes, covered with sculptures, and surrounded by walls, court-yards and roofed passages. But all are of the same sepulchral character. Some are the receptacles of archaic gods, who are arrayed in jewels and tinsel ; but even these deities are little better than the gaudy mummies of a primeval age. The women alone seem to be fervent worshippers, for the men have begun to groan beneath the oppression of idolatry and Brahmanism. Indeed, the rapacity of the temple priests is unbounded whilst their culture is beneath contempt. They celebrate their temple festivals like children playing with dolls. They carry the gods in procession, or induce the gaping crowd to drag them along

in huge idol cars ; but they cannot evoke those joyous outpourings of adoration or thanksgiving, which indicate the presence of religious feeling in the hearts of the worshippers. The excited mob cry aloud " Victory " and " Glory," as though their gods had won great battles. The Bráhmans chant their mechanical laudations, amidst the deafening noise of drums and tom-toms. But beyond a passing effervescence, there is rarely any real enthusiasm in such demonstrations. Yet the Hindús are essentially a religious people. They tell their beads and repeat their prayers. The poor are always ready with their simple offerings to the gods and their gifts to the priests. The rich will exhaust their means in constructing temples, tanks, wells, resting places for travellers, and bathing steps on the banks of rivers ; or in feasting a crowd of mendicant Bráhmans and presenting them with clothes and money. But their religious life, so far as it finds expression, is one of inflated ostentation accompanied by settled gloom. Whether on pilgrimage to sacred shrines, or gathered together in hundreds of thousands at the great religious fairs, or sacrificing to the village gods with all the paraphernalia of flags and garlands, the people of India seem on most occasions to take their pleasures with sadness of heart. By the favour of the gods they may hope to obtain heaven ; but by the anger of the gods they may be condemned to the torments of hell. They give apparent vent to great rejoicings on such occasions as a marriage ceremony or the birth of a son ; but in their inmost hearts they are lamenting over a lavish expenditure forced upon them by the tyranny of custom, which reduces them to poverty for the rest of their days. They are virtuous and contented, but their aspirations are stifled by priestly repressions, and their contentment is little better than a helpless resignation to their destiny. Their family affections are as strong as elsewhere, but from the cradle to the burning ground they are hemmed around with caste rules, religious observances, and Brahmanical exactions. The women are kept in seclusion and dependence. The son is married whilst yet a boy, and brings his wife to reside in the family. The daughter is given away whilst yet a girl, and condemned to live under the eye of a mother-in-law ; and if her husband dies, she is doomed to perpetual widowhood. Thus, amidst much outward placidity, dissensions and jealousies are frequently burning in the household. Too often a mother will not eat, the daughter-in-law is in an agony of tears, one female will not speak, another will not move, and husbands and fathers are looking on in despair.

" But Buddhism, as it once flourished in India, and as it still flourishes in Burmah, has exercised a very different influence upon its millions of followers : it is a religion not of fear and sorrow, but of hope and joy. It is a creed which turns on the dogma of

metempsychosis in its simplest form; that goodness in the present life will ensure happiness in the next life.* It is thus a faith without gods, without priests properly so-called, and without sacrifices, penances or supplications to deity.† Yet its votaries are joyous and light-hearted, and generally good and benevolent. Their pagodas are airy structures without an element of melancholy or gloom. Their worship is an expression of reverential devotion towards their great apostle, whose career on earth was one of self-sacrifice for the deliverance of the human race from the miseries of existence. Their days of festival are characterized by open-handed hospitality and spontaneous expressions of real rejoicing. There are provisions for all who care to eat, sweet liquors for all who care to drink, and a profuse prodigality of flowers and perfumes. They have communities of holy men, who are distinguished from the laity by their yellow-dress and their closely-shaven and uncovered heads. They are sometimes called priests, but the term is a misnomer, for they have no duties to fulfil in connection with the pagoda, and no rites to perform at births, deaths or marriages, or at any of the various incidents of family life, which bear the slightest correspondence to those which are performed by the Brāhmins. Indeed, the holy men amongst the Buddhists are not priests, but monks, residing in the seclusion of their monasteries and practically engaged in the education of the young. Many are also supposed to be pursuing sacred studies, or promulgating the religion of goodness and loving-kindness. Their maintenance is in no way felt as a burden upon the people. They are universally treated with a sincere respect and kindly consideration, which the Brāhman cannot always command. They may not beg, they may not even

* This definition of modern Buddhism is only applicable to the masses of the laity and not to the monks. It will be seen hereafter that there was as broad a distinction between the religion of the Buddhist monks and that of the Buddhist laity, as there was between the popular superstitions of the Hindu populations and the metaphysical speculations of the Brāhman sages.

† The statements in the text are sufficiently accurate, but yet open to question. In theory, Buddhism does deny the existence of deity, and hence in the bitterness of controversy Buddhists are often denounced as atheists. Perhaps Buddhist monks deserve the epithet; but they live in an abstract world of their

own, apart from all humanity. It is, however, impossible for the Buddhist laity, who live as husbands and fathers in the world of humanity, to deny deity; because all such men must be practically conscious of the existence of an unseen ruler, as God or Providence, who presides over the concerns of life and carries on the government of the world; and the dogmas of merits and demerits, of destiny or inexorable law, cannot eradicate a belief which has become an instinct in humanity. Consequently Buddhism does recognize the existence of deity, and instinctively supplicates the assistance of divine beings, after a fashion that will be indicated hereafter. .

receive money; but they are abundantly supplied with all the necessities of life by the voluntary contribution of the masses. Wherever there is a good work to be performed, whether in the name of religion or of benevolence, the Buddhist laity are always ready to contribute to the utmost of their means, and even to make over their cherished jewels and ornaments, if needs be. They have no caste distinctions. They can mingle with the utmost freedom amongst Europeans, as well as their own countrymen of every degree, without the slightest fear of impurity or breach of rule. Their wives and daughters are not shut up as prisoners in the inner apartments, but are free as air to take their pleasure on all occasions of merry-making and festival; and often they assume an independent position in the family and household, and gain a livelihood for themselves or superintend the affairs of husbands or fathers. Their affections are not pent up in little hot-beds of despotism as in Hindu households, but are developed by social intercourse into free and healthy play. Courting time is an institution of the country. On any evening that a damsel is desirous of receiving company, she places her lamp in her window, and puts fresh flowers in her hair, and takes her seat upon a mat. Meantime the young men of the village array themselves in their best, and pay a round of visits to the houses where they see that a lamp is burning. In this manner attachments are formed, and instead of arbitrary unions between boys and girls, there are marriages of affection between young women and young men in which neither parents nor priests have voice or concern."

Buddhism is treated by Mr. Wheeler in a new and attractive fashion. He describes the life of the great apostle and the conduct of his disciples in a way which brings them before the reader as living forms. Familiar as he must have been during his residence in Burmah with the lives of Buddhist monks, he is enabled to realise the preachings of their great teacher to an extent possible only to the very few persons so favourably situated. He is impressed with the working of Buddhist morality upon the laity; he has even something to say in praise of the monastic system; but he denounces in forcible language that spirit of asceticism which characterised the monastic teaching and discipline of Sakya Muni. "The monasticism of Buddha," he says, "had its dark side. It took away all the poetry of existence. It stripped life of every illusion, if illusion it be, which imparts purity and dignity to the passions. It made war upon the religion of the heart. It sought to stifle all aspirations after God, by teaching that prayers and sacrifices are of no avail to suffering humanity. In like manner it sought to crush out the young affections by teaching that beauty and loveliness are

“mere delusions of the imagination to cover the defects and corruptions of humanity.”

The fourth chapter, on Greek and Roman India, opens up a new train of ideas. The invasion of India by Alexander the Great promised to be one of the greatest events in the world's history. To this day it is difficult to say whether any effect was wrought on the Hindú mind by Greek culture. It cannot, however, be doubted that, had Alexander succeeded in founding a permanent empire in India, it would have changed the destinies of the Hindú people. The greatest revolutions in the history of mankind seem to have been brought about by what the Greeks themselves called a Divine chance. It was only natural that when Alexander had conquered Persia, he should attempt the conquest of India. Unfortunately, he invaded the Panjáb, as Mr. Wheeler points out, at the beginning of the monsoon. He and his Macedonians were accordingly beaten back by the rains. Had he reached the banks of the Jumná, he would probably have taken easy possession of Hindústán. Instead of sending a fleet down the Indus, he would have sent a fleet down the Jumná, and established the empire which was afterwards established by Sandrakottos.

One of the strongest points in this chapter is the stress which Mr. Wheeler lays on the residence of Megasthenes at the Court of Sandrakottos, which appears to have been at that time at the ancient capital of Pátali-putra, near the modern city of Patna. We are enabled to see the Hindú city and its varied populations precisely as they appeared to the observant eye of the Greek stranger some twenty-two centuries ago. We see the wooden fortifications pierced with holes for the archers to shoot through; the busy bazárs, the crowded streets, the religious processions, the magistrates, the inspectors. Mr. Wheeler quotes a curious passage from Athenæus, from which it appears that in the time of Megasthenes the Hindús were in the habit of feasting strangers on curry and rice. Mr. Wheeler also dwells at considerable length on the palace life of Sandrakottos, and his marriage with a Greek princess. Megasthenes describes the ryots of his time almost exactly as they may be described now. He says that “they are a most mild and gentle people. They never resort to the cities either to transact business or to take a part in public tumults. They are exempted from all military service and pursue their labours free from all alarm.”

The fifth chapter is headed “Buddhist India.” It is not, however, the India of Sakya Muni, but the India of Asoka and the Chinese pilgrims, extending from about the third century before Christ to the seventh century of the Christian era. The centre

figure is Asoka, who flourished in the third century before Christ. Mr. Wheeler has studied the character of Asoka by the light of the inscriptions known as the edicts of Priyadarsi. These inscriptions were first translated by Mr. James Prinsep some forty years ago. Subsequently they were translated by Professor H. H. Wilson. The two translations are reprinted side by side in the appendix to the present volume. Mr. Wheeler has re-habilitated Asoka. He has cleared away all the mythical nonsense that was written about him in the Buddhist chronicles, and brought him out as a typical man. Mr. Wheeler describes Asoka as a great sovereign who spent a great part of his life in conquering an empire, and then underwent a religious change which inspired him with a desire to promote the happiness and moral well-being of his subjects. In so doing, Asoka tried to bring Bráhmaṇ and Buddhist priests into conformity with his views. Finding that he had created a ferment, he next tried to conciliate them. Finally he seems to have succumbed to them. All these points, which we must here be content merely to mention, are brought out by Mr. Wheeler with much vigour and ability. We have no hesitation in stating our belief that Mr. Wheeler's study of the life and character of Asoka is a real and valuable contribution to the history of mankind.

The sixth chapter is entitled, "The Hindú Drama." At first we were inclined to take exception to this chapter. The *Saturday Review*, which, by the way, has done full justice to Mr. Wheeler's labours on Indian history, expressed the opinion that Mr. Wheeler should have omitted this chapter, as belonging to the history of literature rather than to a political and religious history; and, *primá facie*, the reviewer's objection seemed a fair one. But the first object of every writer on the history of the Hindú people ought to be to bring out types of character as representatives of the Hindús. Mr. Wheeler has done this in the present chapter, and has done no more. He has not attempted to write a history of the Hindú drama, but simply to bring out such types of character, and permit them to play their parts on the stage of history as illustrations of history. The heroes and heroines are brought, as it were, before us face to face. They act like living men and women. The spendthrift Bráhmaṇ, the jester, the lover, the fine lady, the villain, the judges on the bench—all appear in their true Hindú costumes and surroundings. The plays which are here analysed and reviewed include the "Toy-Cart," the "Signet of the Minister," "Sakuntalá," and the "Stolen Marriage." The main incidents are reproduced in a readable and graphic form, which will be a pleasant novelty to those who have waded through the dull and prosy renderings of Professor Wilson.

The chapter on the Rájputs is a re-production, in a telling form, of the most important traditions collected by Colonel Tod, interspersed with the author's own comments and explanations. It brings out the character of the Rájputs as the royal race of India,—the princes who ruled the greater part of the country in days of old, and whose descendants still retain the shadow of a rule which may possibly date back to the days of Porus. Colonel Tod has been the main authority for the history of Rájputána for nearly half a century. The weak point in Tod's history is, that he was imperfectly acquainted with the Teutonic institutions which he brings into comparison with the institutions of the Rájputs. Mr. Wheeler has now supplied what was wanting. He has brought some of the latest information to bear upon the subject; and thus has filled up a gap which has long been felt by all students of Tod's otherwise admirable volumes.

The chapter on the Bráhmanical Revival takes up another interesting subject of enquiry. The re-action of Bráhmanism against the practical Atheism of Buddhists and Jains, is a phase in the religious development of India to which Mr. Wheeler has evidently paid particular attention. It was during this period that the bulk of the Hindú scriptures took their present Brahmanised forms. The worship of Vishnu, as the Supreme Spirit who became incarnate as Rájá and Krishna, belongs to this epoch. Mr. Wheeler is of opinion that six of the incarnations of Vishnu which are fabled to have taken place for the destruction of giants, really refer to the struggle between Bráhmanism and Buddhism. He considers that the colossal figures of Buddhist and Jain apostles may have suggested the idea of giants. We do not propose to discuss the question; we simply mention it as a sample of the original hypotheses with which Mr. Wheeler's book abounds. It is, however, beyond a doubt that the latter believes in the incarnations of Vishnu originated in the antagonism between Bráhmanism and Buddhism. Buddha himself is represented as an incarnation of Vishnu. To use the strange language of Hindú mythology, Vishnu became Buddha, in order to delude the Daityas as with a false religion, and thus to work out their destruction.

The ninth and last chapter of the volume is devoted to the history of the Portuguese Empire in India. This subject has been handled by Mr. Wheeler after his own manner; and the chapter well deserves the praise which has been lavished on it by the *Saturday Review* and some other critics. He presents a general sketch of the progress of events; but his main object evidently is, not to record the doings of successive Viceroys, but to

realise Goa and its surroundings. It was a centre of trade, and of religion. Every morning, except on Sundays and holidays, an exchange was held, where everything was bought and sold, and money was lent and exchanged. The channel which separated the island from the main land was filled with shipping of all sorts. The city itself comprised streets of houses with gardens behind, and was crowded with churches, monasteries and religious buildings of all kinds. The Portuguese intermarried with Native Christians, and their descendants became completely orientalised. Their religion, their morals, their everyday life became more Hindú than European. On Sundays and holidays they flocked to the churches; but the ritual of the Roman Catholic church became Hinduised, and pagan ceremonies were jumbled up with Christian celebrations. The females of their families were kept as secluded as Hindú or Musalmán women. They passed the day in playing about the garden, eating sweetmeats, chewing betel, and chattering with their female slaves. The morals of the mixed population were utterly depraved. Slavery was an institution. Female slaves of prepossessing appearance sold confectionery and other light wares for the benefit of their masters. The island teemed with a large male population that went by the name of soldiers. When expeditions were on foot, these soldiers were all engaged, and received large wages, besides making considerable wealth out of trade or plunder. When there was nothing going on, they lived together in tens or dozens in one house, exhibiting all the pride of a Portuguese noble combined with the squalid poverty of a Portuguese beggar. The intrigues between the soldiers and the wives of the wealthy inhabitants were a continual source of scandal; and jealousies and rivalries aggravated the evil. Murder was frequent, and no man interfered. The place swarmed with ecclesiastics, but their religion was often a mere stalking-horse. Priests usually traded like the others; and the greatest immorality prevailed amongst the people at large.

Whilst Goa was a centre of the maritime empire of the Portuguese, the further coasts of the Bay of Bengal were a refuge for all the scum and refuse, the outcasts thrown out of such a mixed population. The Sundarbans, the islands of the Delta, the mouths of the Irawádi and other rivers of Burmah, became nests of Portuguese pirates who were the terror of the neighbourhood. They ravaged Bengal up to the suburbs of Dacca; they ravaged Burmah as far as Pegu. How they flourished and how they fell is one of the most interesting of the many new and delightful stories which Mr. Wheeler has sought out and brought to bear upon the history of Hindú India.

We have now touched lightly on the most prominent feature

of this most instructive and at the same time most readable volume. Though we have avoided critical discussion, we trust that we have said enough to show that the last instalment of Mr. Wheeler's work fully maintains the high reputation of his earlier volumes for laborious research and accuracy of judgment, as well as for originality and breadth of view. In the present state of our knowledge of ancient India and its peoples, much of the early history is and must be essentially tentative; and inasmuch as Mr. Wheeler is evidently by nature a bold and original thinker, some of his conclusions will doubtless strike many readers at first sight as founded on too daring hypotheses. But we believe that, in nearly every case, further study will convince most people that Mr. Wheeler is as careful in weighing his evidence and as judicious in drawing his conclusions as he is undoubtedly bold and ingenious in conception. Gifted naturally with a keen insight into characters and motives of men and the secret springs of actions, Mr. Wheeler's official training as an Indian political has doubtless done much to develop in him the rare critical faculty which his writings unquestionably display—a faculty which must be at least as valuable in threading the mazes of Oriental politics as it is here shown to be in grasping Oriental history. To those of our readers who are desirous of diving further beneath the surface of ancient and mediæval Indian life than is possible for those who have had access only to the standard histories of the country, we feel we can offer no better advice than this: get Mr. Wheeler's three volumes and study them—and especially this third volume—long and carefully. The true student will rise from the perusal as from a vivid panoramic representation of the scenes treated of; he will feel that he has been for a time thrown back in the spirit into the very ages and scenes so admirably illustrated, and that he has acquired almost imperceptibly a brighter and truer view of those bygone times.

We cannot conclude this very imperfect notice without expressing our appreciation of the beautiful form in which that enterprising publisher and true friend of learning, Mr. Trübner, is giving us the results of Mr. Wheeler's labours. Though every Orientalist is well aware of the immense value and importance of the splendid contributions to Oriental literature which Mr. Trübner is continually producing for us, probably few in this country can fully appreciate the difficulty that attends the production of many of these great and costly works. We sincerely hope that the enthusiasm which Mr. Trübner is well-known to feel for the cause of Indian literature, and of which he has already given us such signal proofs, will be rewarded not only by the gratitude of Indian scholars but also in a more substantial form.

TRANSLITERATION.

To the Editor of the Calcutta Review.

SIR,—I am anxious, with your permission, to offer a few remarks on that portion of my friend Mr. Bate's paper in the July number of the *Review* which bears upon the above subject.

I agree with Mr. Bate in what he says on the transliteration of words printed in the native character, in dictionaries wherein such character is used throughout. To the uninitiated it must be about as hard to find a word in such a dictionary in the Roman character as it is to find it in the native. It is of course just possible that a person unacquainted with the native character may chance to stumble on the initial letter in the Roman character, and thus by diligent search may at length find his word and its meaning. This, I believe, is the only conceivable case in which the use of the double spelling is justifiable.

But the second part of Mr. Bate's argument is very doubtful. He seems to say that English letters can never convey to the initiated the same force as the native letters can. Now it appears evident that to the *initiated* any recognised symbol in any language—i.e., any symbol agreed upon by a consensus of opinion among the learned—will pass, at least among those who are acquainted with it, for the very sound of the native letter to which they have agreed to consider it equivalent. Further, the initiated only learn the sound of the native letters by listening to native speech. The explanations given in grammars written for foreign learners are equally necessary to the understanding of the native symbols of sound as to that of their Roman equivalents; and it is conceivable that our greatest English Orientalists who have not lived in the East are as far from pronouncing the dentals, the cerebrals, the gutturals, &c., correctly, although they daily read them in the native character, as are the most uninitiated who read them in the English newspapers in the Roman character. If, then, I find a pundit who tells me that the dental *t* is to be pronounced with the tongue pressed against the teeth, I have the very same idea of this letter when written in a native word in the Roman character as I have of it when—as one initiated—I see it in a Devánágari book. And when I am told that the cerebral letter of the same form is printed with a dot under it and is to be pronounced with the tip of the tongue turned up against the back part of the palate, I have an equally correct idea of this letter, whether I read it in the native character or in the English. In like manner it is clear that every native symbol may have its exact equivalent in English—the only necessity to its correct pronunciation being that the sound in the original be known.

A note at the close of Mr. Bate's article in the *Review* acquaints the reader with the fact that it is not usual to print the Devánágari character in that publication; but no initiated reader of Hindi will be at a loss to make out such words in the article as have been correctly printed in the English character—an incidental proof of what I am contending for. Moreover, the writer himself shows that the Devánágari may be used for the transliteration of Persian words by supplying 'a simple dot' under such letters as differ in pronunciation from those in what he calls the 'Mahomedan alphabet.' It turns out, then, that the writer approves of the principle of transliteration, proposes the use of a certain alphabet for the purpose, and admits that it may be rendered perfect by the use of a diacritical point. All this admitted, I am curious to know why the Roman alphabet—which is, taking into account the double letters in Devánágari and other Indian languages, only about a fourth

part as long as any of them, and therefore immeasurably more easily learned—should not be applied to the purpose under consideration.

The advantages of its use have been so fully set forth on many other occasions that it is unnecessary even to touch upon them here. My only object is to meet the assertion in my friend's article, that our alphabet does not suffice, even with the addition of diacritical points, to convey all the sounds current in the Oriental languages. Some questions put as objections by Mr. Bate have been answered by the actual printing in the *Review* of words and letters which he considers unrepresentable by the English character, as *Sanskrit*, *chch*, *chh*, *chchh*, *kú*, *kt*, &c.

It was necessary that Mr. Bate in preparing a dictionary of the Hindi language—in which, by the way, the student will find a good deal of Hindi in the Roman character—should have some uniform system of writing the three sibilants; hence his discussion of the comparative merits of the symbols *s*, *s'* & *sh* to represent them. The matter is of little consequence so long as the initiated have a clear apprehension of the letter represented by the symbol, and know how to pronounce it.

In conclusion, while I am not much of an advocate for adopting the Roman character throughout India, I do not see why the English should not go in for *their* stakes with their easily learnt, easily written, and now almost universally known alphabet, rather than the Devánagari. Few alphabets are more unyielding than the latter, and if we are to have a change at all, let it be one which will prove a real convenience to all concerned.

R. J. ELLIS.

Jessore, 29th July 1875:

CRITICAL NOTICES.

VERNACULAR LITERATURE.

Britra Sanhára, or the Death of Britra, a Poem. Part I. By Hem Chunder Banerjea. Published by Khetra Nath Bhattá-chárya : 55 College Street, Calcutta.

THE author is well known to the Bengali reading public as a poet of considerable talent and of a fine vigorous imagination. Among the living poets of Bengal he is second to none, and his shorter lyrical pieces are spirited and truly poetical, and are much appreciated by the public. This is his first attempt in the way of epic composition, and his story is borrowed from the Puráñas of the Hindus. To understand him thoroughly, we must have some idea of the popular or Pauranic mythology of the Hindus.

According to the Puráñas, the Hindu Trinity, *viz.*, Brahmá the creator, Vishnu the preserver and Siva the destroyer, are the supreme deities in the universe. They are, of course, representations of the three principal attributes of the one true God; but the Puráñas invest them with separate individualities and distinct attributes. Siva is married to Uma, daughter of the Himalaya mountains, and is constantly wrapt in contemplation, besmearing his body with dust and ashes, and living among snakes and evil spirits. Vishnu is married to Lakshmi, a sea-born goddess, and often descends to earth in the shape of man (as Rama, Krishna, &c.) on his mission of preserving the world by freeing it of giants and powerful evil-doers. Brahmá is married to Saraswati, the goddess of learning, and is the creator. He has created the earth and peopled it with men, and he has created the heavens and peopled them with minor gods and goddesses, three hundred and thirty millions in number! Indra is the chief of these minor gods; Agni or the fire, Bayu or the wind, Surya or the sun, Chandra the moon, are all minor gods. They enjoy eternal pleasures (described in the Puránas as of a somewhat sensual character) in the ethereal gardens. Youth and beauty never fade, and a perpetual spring gladdens the gods and goddesses.

Indra, however, is in constant dread of two things. Virtuous men are turned into gods after death, and supposing a man is only sufficiently virtuous and succeeds in offering a hundred sacrifices to Brahmá, he would, after death, succeed to the

throne of Indra! Indra, therefore, is in constant dread of virtuous men, and obstructs the performance of sacrifices by all means in his power. A much greater source of dread, however, are the Asuras or giants, who often fight with the gods for the possession of the heavens, and sometimes succeed in turning out the whole host of gods and goddesses and taking possession of the *swarga*. In such cases Indra has no other alternative than to appeal to the mercy of one of the three supreme deities, Brahmá, Vishnu or Siva, who often find means to turn out the Asuras and reinstate the gods. The student of philology is aware that these conflicts between the gods and the Asuras are but the traditional reminiscences of a real and great conflict which took place among the Aryans and which ended in their division into two sects, one going to Persia and the other descending into the plains of the Punjab. The Persians are, of course, the Asuras, and the Hindus the gods.

One of such conflicts is the subject of the volume before us. Britra, a giant or Asura, with his hosts, conquered the gods and took possession of the heavens. The routed gods took shelter in the *Patal* or nether world, while Indra the chief of them took to devotions in order to regain his kingdom. The first canto opens with a description of the nether world, and an assemblage of gods devising means for future warfare. The description is vivid and the speeches of the gods spirited and bold, but they remind one too strongly of the original of which this episode is a copy, *viz.*, Milton's Pandemonium. Still, however, there is enough in the description to stamp on it an Oriental character, and the characteristic features of Hindu mythology. The speech of *Agni*, or fire, is of a fiery character; he recommends an instant renewal of warfare, and says:

Deprived of glory, godhead, shall we live
As slaves in regions that were once our own,
Nourish our frames with refuse of their feasts,
Adorn our brows with dust from Asur's feet?

Better a hundred times it were to invade
The ethereal regions with immortal force,
To wage unending war, till spent and shed
No drop remain in these immortal veins!

The council broke up with a resolution to commence warfare at once.

The second canto, in fine contrast to the first, opens and is replete with soft descriptions of love and pleasure among the Asuras now masters of the heavens. Aindrîlá, the queen of the Asuras, fascinates her grim lord Britra with her smiles and immortal

charms, and then makes a request that Sachi, the wife of Indra, should be brought to her a captive, and serve her as her handmaid. Women are women, and the queen of the heavens was not free from the vanity which induced the barbaric wife of Attila to request her lord to get haughty Roman matrons to be her handmaids.

In the third canto it is reported to Britra that, during the preceding night, the guards witnessed in several parts of the heavens "streaks of brightness" such as emanate from the persons of gods; so that it was certain the gods were coming again to invade the heavens. The idea of the gods being dimly visible at night as forms of brightness is a very fine one, and quite original. Britra laughs the report to scorn, says the forms seen might be stars or meteors, and sends down a warrior, Bhisán, to earth to bring Sachi captive according to the request of his haughty wife.

The fourth and fifth cantos find Sachi disconsolate and wandering in a forest in the earth, bewailing her lost greatness. Her son attends her, and when the Asura Bhisán comes to the forest, kills him and saves his mother. The beauty of Sachi is described with great power and true poetical skill. Aindrílá, though an enemy and rival, says in alluding to her:—"I have heard she is a lady of superb beauty and proud demeanour, and sheds splendour as she moves along. On her neck, her waist, and her swelling bosom, in sadness as in joy, glory and splendour await for ever." Bhisán, too, was suddenly struck on seeing Sachi, and remarked: "Truly, she is the queen of the heavens! Aindrílá is the handmaid of her maid. Happy is Indra, whose halls are ever radiant with such a bright dawn."

The sixth canto sees the renewal of war between the gods and Asuras, and is full of bold and spirited passages. We would willingly have given a few specimens in English if our space permitted. One speech in particular of the veteran Britra on the joys of war might almost, we conceive, compare with the famous passage in which Othello bids a long farewell to war and its stern delights. The son of Britra is sent with a hundred warriors to bring Sachi from the earth.

In the seventh canto we see Indra for the first time. He is worshipping Fate, who at last descends to him and bids him go to Siva to learn the means of killing Britra. Fate, we apprehend, is a new god imported by the author into the store-house of Hindu mythology. His idea, however, is original; for this divinity is as unlike the three sisters of the Greek mythology as anything in the Hindu Puráṇas. Fate, according to the author, is a marble-hearted deity, without pity or remorse or compunction—without either cruelty or tenderness, intently gazing on a scroll in his hand in which the future is mapped.

We pass over the eighth and ninth cantos. In the latter the son of Britra beats the son of Indra and takes his mother, poor Sachi, a captive to *his* mother. The tenth canto is the sublimest in the book. Indra sets out for the abode of Siva, witnesses the spot where the Ganges flows out of the Himalayas, ascends higher and higher, bids farewell to the earth, and soars through ether, leaving behind planets and moons till this world appears as a spot of ink and then becomes invisible. At last Indra reaches Kailas, the abode of Siva. Siva and his consort are conversing on creation, soul, atoms, eternity, fate, and cognate subjects, when Indra lays his complaint at their feet. As they are listening to Indra, suddenly a tear falls from Uma's eye and the locks shake on the forehead of Siva. Why? All knowing as they were, they could hear through infinite space the cries of Sachi dragged to the court of the Asuras and disgraced. Siva, the destroyer, trembles with anger, assumes a terrible form and holds the all-destroying trident in his hand. Uma apprehends the destruction of the universe and interferes till her consort is more composed. Siva rightly judges it unnecessary to destroy the universe for the crimes of one, and advises Indra to go to war himself. Britra cannot be killed till the *thunderbolt* is manufactured from the bones of a saint Dadhichi. Pleased with this information, Indra proceeds to devise means to manufacture the thunderbolt.

The book concludes with the eleventh canto. The queen of Britra, filled with furious jealousy at the superior charms of Sachi, is determined to humiliate her, and orders her to paint her feet. Scarcely are these words uttered than the whole heavens shake, seas heave in billows, winds roar, rocks tremble and fall. The bracelet falls from Aindrîl's arm, her son trembles, Britra closes his eyes and involuntarily exclaims: "It is a sign of great Siva's anger." The fall of the Asuras is nigh.

We have dwelt in detail on the contents of this poem as it is one of the most remarkable books lately published. It is something more, it has a representative character. It fairly represents the highest efforts of the Bengali intellect of the present day. It shows how much Bengali literature is borrowing from the English, how the best original works in Bengali are replete with English ideas. The story is very properly chosen from Hindu mythology, but the descriptions, the ideas, are—as the author admits in the preface—mostly English. And this is as it should be. There can be no question but that Bengali literature, though itself of several centuries standing, is still vastly inferior to the English, and there is no reason why the advanced intellect of Bengal should not borrow from the English to enrich its mother-tongue, just as the English writers borrowed from the Italian in the fourteenth, fifteenth, and sixteenth centuries. How vastly, how

inconceivably, the Bengali has already benefited within the last fifty years, is known only to those who have studied Bengali properly. Those who deplore the effects of English education, judging from the feeble efforts of young Bengal in English, will do well to learn how deeply the inner-life, the literature, the mind of the people, has been influenced for the better by English education. Unfortunately, all this is to the generality of Englishmen a volume sealed with seven seals.

Chandra Sekhar, a Novel. By Bunkim Chunder Chatterjee.

Printed and published at the Banga Darsaw Press, Kanthalpara.

NO living writer has done so much to enrich the Bengali language with new, original and varied creations of fancy as the distinguished writer of the work under notice. Possessed of a thorough English culture and English tastes, with a vigorous creative imagination and extraordinary powers of character-painting, master of a keen sense of humour as well as of the deepest pathos, of extensive reading in English as in Sanscrit, and indefatigable in his labours, Babu Bunkim Chunder has, within the last ten years, created quite a revolution in the history of Bengali literature. The new school of fiction, which he has introduced—although in imitation of the historical novels of Sir Walter Scott—will, we venture to assert, scarcely lose much by a comparison even with the gorgeous creations of the *Lion of Scotland*. We all remember how, about ten or twelve years ago, the Bengali reading community was taken by surprise by the *Dargees Nandini*, the first work of the author, and a master-work of creative imagination. It seemed as if a grand panorama had suddenly burst upon the gazer's eye; and if the mighty picture had any fault, it was that the tints were too glowing, too dazzling, too bewildering. This great work was followed by *Kapal Kundalā*, *Mrinalini*, and *Bisha Brikha*,—the last, unlike the preceding ones, being a tale of every-day life, not a historical romance. Nor is this all. Babu Bunkim Chunder is conducting almost single-handed the best magazine in Bengali, a magazine which has, within the last three years, done much to improve the taste of a large circle of readers and to popularize among them the latest discoveries of European science.

From such a writer the present work, we confess, is to a certain extent disappointing. We miss in it the graphic character-painting, the rich and vivid description, the deep pathos which the author has taught us to expect in his writings. But we must reserve our criticism till we have done with the story.

Chandra Sekhar is a tale of the time of Mir Kasim. Pratap and Saibalini, as boy and girl, played together by the river side or in mangoe groves, morning, noon and night. They

counted the stars, imitated the sound of the waves, and wreathed garlands which they placed on each other's necks while they fondly gazed on one another. An intimacy thus sprung up between them which they could never forget in after years. But there are no love matches in this country; and so Saibalini was married to an elderly Pandit, Chandra Sekhar, while Pratap married a distant cousin of Chandra Sekhar named Rupasi. This was the source of all their misfortunes.

Pratap, like a real hero, subdued, though he could never forget, his juvenile love; poor Saibalini could not. In the hope of meeting Pratap again Saibalini eloped with, or was taken away from her husband's house by, one Lawrence Foster, an unprincipled English adventurer. The plan of Saibalini succeeded. Pratap was now a stalwart zemindar with many *luthials* under him; he attacked the English boat by night, shot down Lawrence Foster and rescued Saibalini.

This was on the eve of the breaking out of war between Mir Kasim and the English. The English thought that the boat of Lawrence Foster had been attacked by order of the Nawab. Johnson and Gouldstone with some native sepoy's attacked Pratap's house that very night, took him captive as well as Dalani Begam, a wife of Mir Kasim, who had under strange circumstances come to take shelter in Pratap's house. The next morning Mr. Amyet, the Resident, left Monghyr with Gouldstone, Johnson, the wounded Lawrence Foster, and the captives.

It was now Saibalini's turn to rescue Pratap, and this she did with great skill. She assumed the guise of a lunatic, and began crying aloud near where the English boat was moored by night. The Englishmen ordered her to be brought on board, and kindly ordered the servants to give the mad woman some food as she was hungry. But she would not take food save from the hands of a Brahman, and the captive Pratap Rai was the only Brahman on board. The servants released Pratap Rai from his fetters that he might give food to Saibalini. They met, devised a plan of rescue, and instantly leaped into the river: being good swimmers they soon disappeared in the darkness of the night.

Saibalini was now subjected to a fearful penance for her past misconduct. For a week she was shut up in a mountain cave alone, where she dreamed horrid dreams of hell, and when she met her husband, after her sufferings, she was insane. She recovered afterwards; it was proved that, however guilty at heart, she had never been faithless to her husband's bed, and her husband therefore accepted her as his wife once more.

Dalani Begam, the wife of Mir Kasim, was released by Lawrence Foster near Murshedabad. She doated on her husband and wanted to return to him. But Muhammad Taki, the Nawab's

agent at Murshedabad, had sent a false report to the Nawab that Dalani had been a paramour of Englishmen, and received orders to poison her. He showed the orders to Dalani, but promised to save her if she accepted him as her lord. The ever-faithful Dalani spurned the proposal and put an end to her existence by swallowing poison.

Proof of the innocence of Dalani flashed on Mir Kasim on the eve of the battle of Udaya Nálá. What were the compunctions of the prince! He had doomed the innocent, the beautiful, the best loved, the most loving to unmerited death. ! He killed Muhammad Taki with his own hands and rushed to battle.

Pratap Rai could not forget his love for Saibalini, and could not be happy. There was the further danger of his again making Saibalini and Chandra Sekhar miserable. With a serene air and smiling with bitter resolution he solved these complicated problems for himself. He rushed to battle (at Udaya Nálá) and died fighting against the English.

The principal defect that we find in this book is that the story is such a complicated web of facts and incidents, the canvas so crowded with characters, that from the beginning to the end we miss unity in the plot. We have dwelt at some length on the story, and yet we have been obliged to omit half the incidents. They follow each other so quickly and in such a bewildering fashion, that no one incident dwells long enough in the reader's memory or strikes his imagination. So with the characters. Though a master of the art of depicting human nature, the author has wasted his energies in this volume. So many characters have been attempted, that hardly one has been properly developed. In this respect the present work compares very unfavorably with the author's last work, *Bisha Brikha*, in which the incidents are few, and the characters equally few, but distinct, animated and life-like.

Still, however, there is much in this work to admire. The most interesting figure is that of Dalani Begam. The love of the young soul was abiding; adversity, distress and danger effected no change in her affection for Mir Kasim. Her woe afflicts us, and few readers will read without moistened eyes her tender loving words in reference to Mir Kasim even when she heard that he had ordered her to be poisoned. One or two other female characters—that of Sundari, for instance—have been skillfully drawn.

The Englishmen of the period have been well represented. There were, no doubt, some unprincipled adventurers who disgraced their name and who have been typified by Lawrence Foster. But the generality of Englishmen were daring warriors and brave men, with a soul to command and a will to execute. Proud and overbearing in their demeanour, they were in times of danger calm and intrepid. Three Englishmen with a few sepoys

are represented in one place as bravely holding their own against a mass of the Nawab's troops. Such were the men that acquired for England this magnificent empire.

Kalpataru, a Novel. By Indro Narain Banerjea. Published at the Canning Library, College Street, Calcutta.

WE must congratulate the author on leaving the beaten path of novel-writing and chalking out a new line for himself. This tale has no hero or heroine, no attempt has been made at sensational writing. The littleness and folly of men are the subject of the book; the occurrences of every-day life in Calcutta and the Mufussil furnish the author with the incidents of his story; fools and rogues are his characters; irony and a never-flagging humour are his *forte*. The style of the book is after that of *Alalergharer Dulal*, but the author, we must admit, has beaten Tekchand Thakur hollow.

The story is simple, and is soon told. Narendra Nath is a young student and a perfect scoundrel, and professes to belong to the Brahma community. He ordinarily wears a China coat, carries about a stick and does other things which we need not specify. An unfortunate attempt at seducing a Brahman widow resulted in his being obliged to leave Calcutta hotly pursued by the police. He at last finds himself a schoolmaster at Rajhat not far from Raniganj, and in the pay of a zemindar, who was once an amlá, and like most amlás of his day found the work uncommonly lucrative, amassed wealth, and retired a rich zemindar.

Narendra had in his native village an aunt, who doated on him as a prodigy of goodness and learning, as well as a brother who was a simpleton and a fool. Still, this brother, Madhu, had some good qualities; he was industrious, good-tempered and simple, and altogether is about the least objectionable figure in the picture. Madhu was sent by his aunt in quest of Narendra. Missing the first train, Madhu had to wait the whole day at the station and witnessed the doings of the native station-master. As soon as the train had left the station, the station-master collected round him in the station-room a number of select friends;—a charming Mrs. Anonyma made her appearance, bottles went round, songs were chanted, and who was more happy for the instant than the station-master and his select friends? After many adventures Madhu returned from Calcutta without any news of his brother, and his aunt died of grief and anxiety for her prodigy of a nephew.

Meanwhile Narendra was at his old practices again. He seduced a widow at Rajhat, and left the village with her. They reached the seat of a Vaishnava Bábáji, or saint, who was living surrounded by a number of young Vaishnavis. Narendra considered it prudent to leave his victim in this secluded spot, where she soon afterwards died under suspicious circumstances.

The description of the police investigation that followed, of the case in the Sessions Court, the judge and assessors, vakils, mukhtars, witnesses, are of a graphic character. The beauty of the book consists in the truth of every picture the author has drawn. From the village shop-keeper who, on the death of his wife, is living with her widowed sister—the Kulini Brahman who visits each of his numerous wives in numerous villages, probably once in ten years for the purpose of extorting money,—and the Calcutta dālāl of the very worst stamp, who is now a cheat and now a false witness—up to the enlightened and educated vakils of a Judge's court ;—all the characters are sketched with a truth and precision truly remarkable. To be sure it is not a complete picture of society, it does not deal with the virtues or greatness of men ; it represents simply their vices, and failings and littleness ; but as such the representation is admirably perfect.

Harish Chandra Nātak. By Mana Mohan Bose. Printed at the Madhyastha Press.

Sarat Sarojini Nātak. By Durga Das Das. Printed at the New Indian Press.

Doctor Babu Nātak. By a Doctor.

WERE we to judge the Bengali dramatic literature of the present day by the number of books published, we should have to form a very high estimate of its richness and excellence indeed ; but if we look into the contents of the books, we receive quite a different impression. We think we may safely assert that there is not one single dramatic work in Bengali that can be styled a first-rate performance ; while of the scores of plays published every month, nay, almost every week, we could not name even half a dozen second-rate ones. The only dramatist of note that Bengal has produced was the late Babu Dina Bandhu Mitra. Even his works are wanting in sterling merit, and consisted mostly of stale witticisms and humorous stories, and ludicrous representations of the vices of the day, which made him very popular with the generality of the Bengali reading public, whose education and tastes are by no means of a very high order. We very much doubt if his works will be remembered fifty years hence ; while we may safely assert that of the heaps of dramas published since his death there is not one which has not been, or will not be, quite forgotten within five years from the date of its publication.

The besetting sin of the modern Bengali drama is the striving after sensational stories and incidents. This has partly been brought about by the fact that two theatrical houses in Calcutta are just now attracting large audiences of a very mixed character,

who naturally appreciate and applaud a sensational^x piece sooner than a thoughtful one. The Bengali drama writer therefore finds it paying to write sensational pieces; and the most improbable, startling, and sometimes alarming incidents are interwoven with the Bengali drama of the period. The proper delineation of the human character in its various phases and feelings, which is the one great merit in a dramatic composition, receives little or no attention. Young men just out from schools and colleges, probably plucked at examinations, or failing to secure Government posts, flatter themselves with the idea that they are enriching their mother-tongue by pieces in which the human character is neither represented nor misrepresented—for it is not pictured at all,—and think that they are serving their country by heaping any amount of abusive language on the Government which has given them education and their country prosperity and peace.

But we must turn to the works under notice. These three books are the best of the scores of dramas published of late, and, as such, deserve a passing notice. The first is a work of orthodox style and is based on a story from the Ramayana. A certain Raja Harish Chandra happened to offend a Brahman, and to expiate his sin gave up his kingdom and went to the forest with his wife and child. The Brahman, however, was not yet satisfied and demanded of the king a certain sum of money. Rather than incur the displeasure of the Brahman, the king sold his queen and child as slaves, and then sold himself to satisfy the stern demands of the offended priest. It turned out afterwards that the whole of this was a deception practised on the Raja to try his virtue. He had undergone the trial with admirable fortitude and patience, and was now restored to his kingdom and his queen.

We do not know if this sort of story will make a very deep impression on the readers of the nineteenth century. To sell one's wife as a slave to satisfy a greedy, merciless Brahman might be an extraordinary instance of virtue in the age of the Ramayana, but would be regarded as very questionable conduct in the present day. The characters of Saibya the queen and her friend Kamalā have been well drawn, and there are some pathetic scenes, such, for instance, as the parting between the king and the queen when the latter is sold. The author has, however, given us too much of the pathetic; over fifty pages of a continuous and uninterrupted tissue of griefs and sufferings tires the reader, and makes him somewhat drowsy.

Sarat Sarojini is the name of a sensational drama of the day, full of stirring speeches and abuses of the British Government. Bent on this grateful and patriotic endeavour, the author has not condescended to bestow attention on the portraiture of human nature; for there is scarcely anything in the way

of character-painting in this book. The hero Sarat is now almost a madman, and now less than a fool. Of course he is a patriot, inasmuch as he inveighs against the English Government every now and then, hates marriage because it sobers down men and extinguishes their "patriotism," and on one occasion displays heroism and patriotism at the same time by beating an English police officer who was in pursuit of a man suspected of theft ! This man turns out to be an honest and good man, and ultimately marries Sarat's sister. Sarat himself marries one Sarojini who had loved him for a long time, but had left her home and wandered about for a time through various places, and very nearly killed herself because she could not speak her love. Sarat's mother, who had been turned out as a woman of ill fame, appears after several years just in time to save Sarat and others from imminent danger, and proves to be a chaste woman. Such are the absurd stories of which this work is full. There is no attempt at character-painting,—no excellence that we can perceive ; but lip-deep patriotism, like success, covers, with the generality of modern Bengali readers, a multitude of sins.

Doctor Babu is a drama representing modern Bengali society in one of its worst phases. It points out the grave sins of the Bengali doctors of the day. It makes startling revelations of facts which, if true, show that the state of things is very bad indeed. Dispensaries are opened almost solely for the sale of spirits without paying license ; doctors of established reputation and practice bear, we are assured, the most reprehensible characters ; while drunkenness is represented as the besetting sin of the young men of the day, eating into the very vitals of modern Bengali society. The picture is a fearful one and a hateful one ; but who will say it is untrue ?

2. GENERAL LITERATURE.

Land and Railways in India : Two short treatises on the Permanent Settlement Problem and Purchase of the Railways in India by the Indian Government. By J. Hector, Deputy Secretary and Treasurer of the Bank of Bengal. William Blackwood and Sons, Edinburgh and London : 1875.

THIS is a reprint of two papers that originally appeared in this country. They are prefaced by an introductory note, setting forth in brief the advantages of the two measures which Mr. Hector proposes for the regeneration of Indian finance. We propose to examine these measures separately.

Few people will be disposed to quarrel with Mr. Hector's starting point, viz., that the permanent settlement of Bengal was a

mistake ; though, perhaps, it may be objected that he has at times pressed his case somewhat unfairly. In the table, for instance, in which the land revenue is contrasted with the area and population of each province (p. 10), the area of Bengal is not only made to include Assam and Orissa, where the settlement is not permanent, but Chota Nagpore, which, like Assam, is a huge wilderness and contributes little or no revenue to speak of. It is questionable, moreover, whether population has anything to do with the subject, except that perhaps we may expect the density of the population to vary inversely with the Government land revenue demand. So, we think, the injustice said to have been inflicted on the other provinces by the permanent settlement of Bengal is greatly exaggerated, even were this a proper subject to be taken into consideration. The comparative statement on page 6 is almost as unfairly put by Mr. Hector in his explanation as in its original form by the *Hindoo Patriot*. Mr. Hector chooses to say that "the other provinces of India have to make up for the deficiencies of Bengal;" but Bengal officials would, probably, not concur in this view of this case, and they might urge that it is Bengal which has for many years past been neglected in favour of newer and more favoured acquisitions. This is an old subject of controversy, but after all we fail to see how it affects the present question. To listen to Mr. Hector, one would suppose that the persons responsible for the permanent settlement of Bengal were the present generation of zemindars instead of a Governor-General of India who made that settlement with a different set of men altogether. What English landlord would imagine that, because he let one of his farms at less than its real value many years ago, he was entitled to demand a special contribution to his income from the heirs and assignees of the tenant? The several provinces of India must be looked on as one estate; the mistake in regard to the permanent settlement was an imperial, not a provincial, mistake; and to make that mistake an excuse to call upon the Bengal zemindars of the present day to make good the loss thereby incurred would be a policy utterly unworthy of the dignity and good faith of the British Government.

Mr. Hector seems to us to fall into another error when he regards the objects which Lord Cornwallis had in view in declaring the permanency of the settlement as the *conditions* of that settlement. Lord Cornwallis's expectations may not have been fulfilled, but we must deny that the Regulations ever made the zemindars liable as a contracting party for their non-fulfilment.

Passing on, however, to the main subject of the pamphlet, let us see what is the solution of the difficulty which Mr. Hector proposes—"the arrangement or compromise which, without doing

violence to the rights of either, shall secure to both parties to the settlement-contract what is their due." Mr. Hector estimates the net annual rental of the zemindars of Bengal at 13½ millions. We think this figure is greatly over-estimated, and we also think that the zemindars would be only too glad to part with their property for less than twenty years' purchase. This, however, is apparently what Mr. Hector proposes, though there is a certain vagueness about his proposals that is sufficiently tantalising. In one place he hints that Government would be justified in demanding an increased contribution *now* from those landholders who have been in possession of their land for twenty years or upwards. Elsewhere that "the undisturbed enjoyment of the annually increasing revenue of the land for a further period of twenty or thirty years from the present time ought to be considered of itself sufficient to yield to the present holders such compensation as would justify an increased contribution being required of them hereafter;" and the ultimate recommendation seems to be that "the whole or part of the rental payable by them to Government should be remitted for such years as would yield them adequate compensation"—the Government having the right to enhance the revenue at the end of that period. "In this last resource," writes Mr. Hector, "the price of redemption should be in the inverse ratio of the period for which the respective holders have already enjoyed the increased revenue of the land and of the increase which has taken place from other causes than their own efforts and expenditure of their own capital during that period." Of course, if the Government is to gain anything, it must be at the expense of the zemindars, and it seems to us that it would be much more straightforward and honourable, if the Government does wish to do away with the permanent settlement, to purchase in the open market. Our own impression is that late years have been rather a trying time for the zemindars, and that if the Government wished to purchase their rights, there are numbers who would be glad to part with them on very advantageous terms. There is something to be said, however, on the other side, and we are by no means satisfied that the Government would be better off if it again possessed the proprietary right in the soil of Bengal. The subject, however, is too vast to be discussed here, and we must conclude our notice of this pamphlet with a few remarks on Mr. Hector's second proposition, *viz.*, the purchase of the Indian Railways.

On this subject, we may confess at once that we are entirely at one with our author. Holding the opinion that but for the guarantee system our Indian Railways would not now have been what they are, we nevertheless admit the advantages to be derived from the Government now taking them into its own hands. Those advantages, moreover, we are glad to see from

Mr. Thornton's late work,* are recognized in the India Office at Home, and we may therefore hope that the earliest opportunity will be taken to secure them for the Government. Mr. Hector has done this country good service in bringing the subject prominently under the notice of the public.

The Law of Enhancement of Rent in Bengal with suggestions for its amendment. Calcutta: Thacker, Spink & Co.: 1875.

WE have risen from the perusal of this pamphlet with mixed feelings of pleasure and disappointment. On the one hand it is ably and clearly expressed, and so far as it goes, is a valuable contribution to the literature on the subject with which it deals. On the other it does not go far enough. The conclusions are not worthy of the argument. *Parturiunt montes, nascitur ridiculus mus.*

Our readers are probably aware that there is at this moment before the Bengal Legislative Council a Bill for the prevention of agrarian outrages, the main object of which is in cases of serious dispute relative to the payment of rent, to provide for a summary enquiry by the Collector instead of leaving the matter to be determined by the regular civil courts of the country. But it is thought by many, both officials and others, that the Bill does not go far enough, and that all attempts to deal with the land question in Bengal will prove abortive, so long as the Legislature hesitates to lay down fixed principles according to which the rent should be apportioned between the ryot and the zemindar. It is admitted on all hands that the present law in regard to ryots with a right of occupancy is vague and unsatisfactory in the extreme; and it is urged by the party above referred to that the present opportunity should be taken to revise the substantive law on the subject, and to prescribe more definite rules as to the rights of that class of ryots.

The writer of the pamphlet before us belongs to this party. He admits that he "comes from the landowner class, but he hopes that he has not altogether overlooked the interest of the ryot." He starts, as might be expected, with a few brief remarks on the permanent settlement, in regard to which we will only say that in classifying the different opinions upon that subject, he appears to us to omit all mention of one very important party, viz., those who consider that settlement to have been financially a mistake, but who do not consider that a sufficient reason for setting it aside. Our author then approaches the subject

* *Indian Public Works and Cognate Indian Topics.* By W. T. Thornton, C.B. Macmillan & Co.: 1875.

before him, and he points out very justly that the real question at issue centres round the second clause of section 18 of Act X of 1869 of the Bengal Legislative Council, a clause first introduced into our statute book by the famous Act X of 1859. The section in question provides that no occupancy ryot shall be liable to have his rent enhanced except upon certain grounds, and the ground mentioned in clause 2 is "that the value of the produce or of the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot." It is admitted that it is only in very exceptional cases that the increase is due to other than natural causes, and practically therefore the question resolves itself into an apportionment of what is called the unearned increment of the produce of land; in other words, the increase in the value of the produce caused by the depreciation of the currency, the construction of embankments, railways, roads, canals, and so forth. And the only rule which the law lays down for the guidance of those who have to adjust the proportion of this increase which is to go to either party is the vague provision that occupancy ryots are entitled to receive pottahs "at fair and equitable rates."

In the great rent case it will be recollected that there was a difference of opinion between Sir Barnes Peacock and his colleagues in regard to this provision, the result of which was an exposition of the law which has been found to be utterly unworkable in practice (p. 8). Had Sir B. Peacock's opinion prevailed, the writer is of opinion that in all likelihood the ryot would have been ruined; as it is, the zemindar has almost lost his right to enhancement.

Our author next devotes several pages to an historical enquiry into the position of the zemindars and the proportion of the rent to which they were entitled under Muhammadan rule; and he then proceeds to show that up to the legislation of 1859 the British Government had manifested a desire to strengthen the position of the zemindars, perhaps a little at the expense of the ryots. By Act X of that year, however, the large class of occupancy ryots was created without any sufficient definition of their rights; and since that time the situation of the zemindars has been one of uncertainty, anxiety and risk—so much so that, as the writer says, official opinion is slowly changing in their favour.

What, however, are the practical remedies that our author suggests? They are to be found at page 55, and are these:—Rules should be laid down for the classification of lands in regard to their productive powers and the cost of production, three grades being probably sufficient for the purpose; for each class the Legislature should lay down the maximum share of the gross produce to which the zemindar is entitled, the parties being left

free to make their own contracts within these limits. Some other suggestions are added which it is unnecessary to notice here.

Now it strikes us at first sight that these suggestions are open to the same objections as those which have been made by the Editor of the *Hindu Patriot* and others ; and we should have liked to have seen them discussed at greater length, instead of being merely thrown out tentatively at the end of a pamphlet of 60 pages. The main difficulties to be overcome in this matter appear to us to be two-fold. It is not merely that we have to devise principles that shall commend themselves generally to the acceptance of both parties—the friends of the zemindar and the friends of the ryot ; but it is also of importance that, unless the Government is prepared to undertake the re-settlement of the whole of Bengal, the principles so agreed upon shall interfere as little as possible with the existing state of things. Whatever principles may be adopted, they will probably be found to benefit one party or the other, and wherever this is the case, the party so benefited will seek to put the new law in force. The immediate effect of legislation in this matter, therefore, cannot fail to be an increase of litigation, if not of agrarian outrage ; and this, as it seems to us, is almost as great an objection as the difficulty of selecting principles of adjustment at once equitable to both parties, historically just and politically expedient.

It is obvious that the question only affects those ryots who have acquired a right of occupancy ; but this class of ryots is already the most numerous in many districts and is a class that is daily increasing in numbers. That the creation of occupancy rights was a mistake, we do not assert for a moment ; but what we do assert is this, that the large proportion of these ryots to be found in Bengal at the present day goes far to contradict much of the sentimental nonsense we sometimes hear regarding the ryot's condition in these provinces. The occupancy ryot is anything but "doomed to exist in a state of hopeless poverty and degradation ;" on the contrary he is everywhere assuming the character of a middle-man, able and willing to fight the zemindar with his own weapons, and as often as not getting the better of him. If any ryots need the protection of Government, so far as our experience goes, it is certainly not those who are possessed of a right of occupancy under the law as it stands at present.

The History of Protestant Missions in India. By the Rev. M. A. Sherring, M.A., LL.B. Lond. &c. Trübner & Co. : 1875.

MR. SHERRING of Benares, already well-known as the author of some important works on Indian subjects, has given in this work an interesting and valuable contribution

towards the history of modern missionary effort. The work exhibits signs of that patient and careful research, Christian zeal, and at the same time calmness and candour of judgment, which were necessary to enable its author to do justice to his subject. We merely notice the book in our present number, but hope in our next to present our readers with a full discussion of the subject, for which Mr. Sherring has supplied us with such good materials.

Selections from the Asiatic Journal and Monthly Register for British India and its Dependencies: Vols. I to XXVIII. January 1816 to December 1829, forming the first series. Madras; Higginbotham & Co.: 1875.

THIS volume is one of many which we owe to the enterprise of Messrs. Higginbotham & Co., the well-known publishers of Madras. It purports to be a reprint of selected articles from the *Asiatic Register* for the years 1816-29, the whole forming a royal octavo volume of 1,011 pages. From such of the articles as we have had time to glance through, we should say that the work of selection has been carefully and ably performed, and that persons interested in the East have now a mass of valuable information placed within easy reach which was previously almost inaccessible. The publishers announce their purpose to continue a series of reprints of the like nature, and we sincerely trust that the necessary support will be accorded them for that purpose.

Religious and Moral Sentiments metrically rendered from Sanskrit writers, with an introduction and an appendix containing exact translations in prose. By J. Muir, D.C.L., L.L.D., PH.D. Williams and Norgate: 1875.

WE once knew a district officer who, when called on for an official report, used to adopt that of one or other of his subordinates, the very language being borrowed (to use a mild expression) and the only difference being the signature at the end of the letter. Similarly, it would seem, according to one of our contemporaries, that the art of reviewing properly consists in taking the author's preface without acknowledgment, and in adapting it to the requirements of the Editorial chair. This method, if perhaps somewhat clumsy and unscientific, has at least the merit of simplicity. In the present instance, however, we feel that, not being first in the field, we might be suspected of plagiarism, and we shall therefore do no more than introduce Dr. Muir's latest work to the notice of our readers. For the information of those who are interested in the subject, however, we may add that we have

been promised an article on the connexion between Christianity and the Bhagavad Gita from the pen of one who is thoroughly competent to deal with the subject, and it is only want of space that prevents its appearing in the present number. Dr. Muir's interesting little work will be fully noticed in that article.

A New Hindustani-English Dictionary. By S. W. Fallon, PH.D., Halle. Part I. E. J. Lazarus & Co. : Benares. 1875.

AFTER the flourish of trumpets which heralded its approach, this first instalment of a long-expected work is a startling and overwhelming surprise.

The compiler is no doubt a master of the Hindustani portion of his subject ; but he appears to have been the victim of incompetent compositors, and he has passed the work so hastily through the press that it bristles with typographical errors. As regards the type itself, besides the small print occasionally used for notes and illustrations, only one kind of Roman and one of Italic type has been used ; and this, as a glance at the book will show, is the cause of endless confusion and trouble. Added to this there is the fault which may be noticed throughout the book, *viz.*, a want of uniformity of execution : a line is now continued in a bracket above, now with or without a bracket below ; where there is no earthly reason why it should not continue straight on as it does in most books. Then, though the *h*'s and *z*'s are not distinguished by any diacritical marks in words transliterated into the Roman character, the letters *khe* and *ghwīn* are most elaborately marked. Here and there too (s. vv. *abran*, *āp*.) we have explanations of proverbs and phrases very properly put in small print : while in another place (s.v. *upujnā*) an exactly similar explanation appears in large type. A riddle is now marked "*Paheli*," now "Riddle : " the explanation of a *double entendre* appears at one time in a note, at another in ordinary print and in the middle of the text. This might be excusable if the pun was on the word under which it appears ; but in the sole instance in which any word from *ab* to *atthā'is* is punned upon, *viz.*, in the case of *utārā*, the pun is explained in a note : while, on the other hand, we have a joke on the word *phūt* elaborately explained, in large print, under the word *upajñā*. Again, it is often hard to tell whether the explanation of a phrase precedes or follows it : (see the 9th and 10th meanings of *utārnā*.)

Under the words *apsarā*, *itek*, and *atam* we are referred to *apchharā*, *itnā*, and *atālā* respectively, but under those words we look in vain for a reference to their less favoured brethren. So we have a proverb—" *āp kāj, mahā kāj* "—repeated under *āp* and *āp kāj* : in the first instance it is translated "Self done, well done ;" in the second place we are told the meaning is "One's own busi-

ness is the most important," without a hint at the prior rendering. Which is the true meaning? Unless proverbs and phrases are to be fully explained each time they occur, it is but reasonable to expect that they should be explained thoroughly, and once for all, under the most prominent word contained in them. So, under *apná*, we have a phrase that would naturally be looked for under *huqq*. Again, under *upárná*, we have two idioms explained, in which the verb has the meaning given in the third section, "to be torn up:" but these phrases come with no visible distinction under section 5 and the meaning "to be read, deciphered!" It is the word *jhánt* that is the backbone of the idiom, and under that word the phrases ought to fall.

The best way to enable the ordinary reader to understand a word, is to impress upon him thoroughly the radical meaning; to distinguish that from the other meanings; and to work out from it, or trace back to it, the various shades of signification. For instance, the primary meaning of *utárná* is "to bring down," "to lower." The word alone cannot mean "to bury," nor "to vent one's rage on an innocent party when the real offender is too powerful to resent!" But certain collocations, in which the word occurs may bear such a rendering. The translation is not a translation of *utárná*, but of a phrase in which *utárná* occurs.

Another typographical, not to say typical error, is found in the description of the italicized sentences: some are marked "Prov.;" some "Mag. Wom.;" some "*Dohá*," "Insha," "*Talazmá*," "Wom. Shauq.," "Play. Sarwar. Nir." A few of these abbreviations are explained, many are not: and the result of this careless and casual distribution of type is 'confusion worse confounded.'

As a set-off to useless renderings, we have important meanings and comparisons omitted. Under *ití* we are not referred to *faqat*, though we are reminded of *ziyádá chi*, and *tam*. We are not told that one meaning of *ábkarí* is "Excise." *Abjad* is "a mode of denoting numbers by the letters of the alphabet:" surely an explanation of the method usually employed would not be out of place! The sole rendering of *ittifáqan* is "scarcely!" Again the *uttur pakhwá hawá* was a "north-west wind" long before any Phœnician merchant sailed to Ophir, but the only meaning given is "trade winds." So, under *utár charháó*, we have the word "diddle" used, with no word of acknowledgment to the Slang Dictionary. If a slang rendering is to be given, let the whole sentence be slang, as, for instance, "Mind you are not diddled by his oily gab:" but "specious speeches" requires a more polite word to precede it than "diddled!" As might be expected, we "cut into thin slices or laminate," but we do not 'saw into planks' (52 of *utárná*). Again 'hurry skurry,' which is an *Arabic* described as a verb!

Among meanings given for words, "the realised rents (of a village) · produce of the harvest ; profits," are classed together (2 of *utpan*) : so, "ready ; prepared ; on foot" (3 of *átw*) : but "hurry" and "precipitation," "haste" and "speed" are separated (*utáwal*). Under *utár*, "ferry" and "fare"—we crave pardon, "charge-for-ferrying-across," are classed together (9) : and under *utará* two meanings, "6, a copy" and "7, an answer," intervene between the same two renderings.

The sixty-eight or more renderings of *utárná*, and the forty-three of *utarná* seem to have been set down at random : there is no consecutive chain of ideas to connect them : and as we have before remarked, in many instances a rendering of a phrase in which the word under consideration occurs, is given as a meaning of the word. In one or two important cases (e.g., 28. *utárná*. and 28. *utarná*) no examples are given, though the use of the words is unusual.

We are several times told that the signification of a word is—"a child's game : " (*iltá iltá, áli pátí, aham matkan*). The first we are further told is "Guess, if you can : " the second, "Come, find · " which we suppose is the pastime more generally known as "Hide and seek ; " and, in the last instance, no description is given.

The climax of confusion is reached on page 23, column 2. Here we have, under the verb *utarná*, such words as *utará*, the adjective *utrá*, and a noun feminine *utrái*, followed by *utar-paraná*, (a variation of the verb,) and *utará chánd* ; and at the end comes *ardali utarná*, which would naturally fall under the numbered meanings of the verb.

Such mistakes render the finding of any particular word or meaning a work of time and difficulty : and in this ' perilous quest ' the eye is continually offended by coming across some of those most disgusting passages, so liberally scattered through the columns under review. It may be remarked, *en passant*, that this is a portion of his subject upon which the good doctor seems to have entered with a scarcely justifiable enthusiasm. It is true that, in a complete vocabulary of the Hindustani language, words "which are conventionally regarded as abusive, indelicate or obscene," cannot be entirely omitted. But, still, such words ought not to be incontinently dragged in and explained at every possible opportunity, if only in deference to that same conventionality, or to "prejudices not yet generally exploded," and "the feelings of many estimable men." Let the filthy stuff appear once in its proper place ; and then let us have done with it for ever.

Last, but not least, our German Professor's English calls for remark. Does he intend to give English equivalents for the Urdu proverbs and phrases or simply to explain them ? He

reached Katak, and there he stuck" is natural enough but such rhymes as :—

" No sooner sees the parrot in the grove, the wicked man
Longs for his captive, spreads his net to take him if he can." (p. 14)

or this from page 13 :—

" Patience, faith, a friend, and eke a woman, try
These four when evil days come on you nigh."

show a want of vigour seldom met with in the feeblest nursery rhymes or even in Tate and Brady.

Here and there we have native couplets re-produced in such forms as these :—

Page 8.

" Where *was* I, and where *are* you ? this our meeting here,
Decreed by fate who portions out our shares and sphere."

And page 14.

" Hunger gnaws me, flames of fire rise up within my body.
Boundless the night of Run ! see, in a second, what *he'll* done !"

and again—

" If ever *so* *shakhtly* harsh your ladyship should speak to me,
A hundred words, disputes, and quarrels, tales would instant risen be."

Or—

" Well ! well ! opium you've taken, judgment brought upon your head,
See now, *drabba* poison yet within your cup you've mix-ed !" (p. 16)

Once more—

" A farthing's *ida* in her *idari* !
" We'll meet in *love* in my *idari* !" (p. 27)

Where, we would ask, is the rhythm, the force, the terseness, the elegance, the clearness—in short, where is the excuse or palliation for such scoundrelly vers. as :

If the rendering is intended for the assistance of native students of the English language, it will not teach them to speak with correctness, idiom or force. If the benefit of the English student is the benevolent aim of the compiler, the translations are, in many cases worse than useless, as they frequently do not adhere to the original.

Passing by numerous mistakes that cry aloud for notice, we must remark upon the want of a complete and convenient list of abbreviations, that given is neither one nor the other :—the absence of any list of authors cited :—and the omission of any table of the relative value of the Urdu and Roman characters, though the method of transliteration employed has peculiarities which require explanation. We think that Doctor Fallon would do well for his own

credit, and for that of his university, to recall this "part" of his work; and to come to some fresh arrangement with his publishers, whereby the vast stores of his Oriental learning may be rendered available to the public in a form more perspicuous, practical, and self-consistent.

C. M. T.

